

AUTO CR - LOG SUMMARY #1071280

TYPE: CR

Incident Finding / Overall Case Finding

Description of Incident	Finding	Entered By	Entered Date
	SUSTAINED	ROUSSELL, JAMES	04-AUG-2016

Reporting Party Information

Role	Name	Star No.	Emp No.	UOA / UOD	Position	Sex	Race	Address	Phone
CPD Employee	Reporting Party Witness	CATO, ERIC D		189 /	SERGEANT OF POLICE	M	BLK		

Incident Information

Incident From Date/Time	Address of Incident	Beat	Dist. Of Occurrence	Location Code	Location Description
30-AUG-2014 10:50 - 30-AUG-2014 10:50		0713	007	304 - STREET	

Accused Members

Role	Name	Star No.	Emp No.	UOA / UOD	Position	Status	Initial / Intake Allegation
CPD Employee	Accused	MCHALE, BRIAN	8721	189 /	POLICE OFFICER	ON Duty	It is reported that the accused officer was inattentative to duty in that, the accused officer failed to secure his weapon at which time; the accused officer placed his weapon on the trunk of the vehicle which had fallen off after pulling off at the above location. Note: The weapon was recovered later with all rounds accounted for.

Other Involved Parties

Role	Name	Star No.	Emp No.	UOA / UOD	Position	Sex	Race	Address	Phone
CPD Employee	Witness	BOCHENEK, ALICJA	11386	007 /	POLICE OFFICER	F	WHI		
CPD Employee	Witness	SCHULTZ, BRIAN G	1298	007 /	POLICE OFFICER	M	WHI		

Involved Party Associations

Role	Rep. Party Name	Related Person	Relationship
Reporting Party Witness		MCHALE, BRIAN	CO-WORKER
Reporting Party Witness		BOCHENEK, ALICJA	CO-WORKER
Reporting Party Witness		SCHULTZ, BRIAN G	CO-WORKER

Incident Details

CR Required?		Manner Incident Received?	PAX
Confidential?		Biased Language?	N
Extraordinary Occurrence?	N	Bias Based Profiling?	N
Police Shooting (U)?	N	Alcohol Related?	N
Non Disciplinary Intervention:	N	Pursuit Related?	N
Initial Assignment:	IAD	Violence in Workplace?	N
Notify IAD Immediately?	N	Domestic Violence?	N
EEO Complaint No.:			
Civil Suit No.:		Civil Suit Settled Date:	
Notify Chief Administrator?	N	Notify Chief?	
Notify Coordinator?		Notification Does Not Apply?	Y
Notification Other?	N		
Notification Comments:			

Incident Category List

Incident Category	Primary?	Initial?
10L - IAD SUBCODE 10L	Y	N
10L - IAD SUBCODE 10L	Y	Y

Investigator History

Investigator	Type	Assigned Team	Assigned Date	Scheduled End Date	Investigation End Date	No. of Days
FENNER, NAKIA	Primary	GENERAL INVESTIGATION SECTION	09-FEB-2015	11-MAR-2015	09-MAR-2015	28
FENNER, NAKIA	Primary	GENERAL INVESTIGATION SECTION	28-JAN-2015	27-FEB-2015	28-JAN-2015	0
FENNER, NAKIA	Primary	GENERAL INVESTIGATION SECTION	23-SEP-2014	20-FEB-2015	27-JAN-2015	126
FENNER, NAKIA	Primary	GENERAL INVESTIGATION SECTION	08-APR-2015	08-MAY-2015	08-APR-2015	0
O KELLY, PATRICK	Supervisor	GENERAL INVESTIGATION SECTION	09-FEB-2015	11-MAR-2015	09-MAR-2015	
O KELLY, PATRICK	Supervisor	GENERAL INVESTIGATION SECTION	28-JAN-2015	27-FEB-2015	28-JAN-2015	
O KELLY, PATRICK	Supervisor	GENERAL INVESTIGATION SECTION	23-SEP-2014	23-OCT-2014	27-JAN-2015	
O KELLY, PATRICK	Supervisor	GENERAL INVESTIGATION SECTION	08-APR-2015	08-MAY-2015	08-APR-2015	

Extension History

Name	Previous Scheduled End Date	Extended Scheduled End Date	Date Certified Letter Sent	Reason Selected	Explanation	Extension Report Date	Approved By	Approved Date	Approval Comments
FENNER, NAKIA	21-JAN-2015	20-FEB-2015		ACCUSED UNAVAIL. FOR INTERVIEW (REASON, EXPECTED RETURN DATE)	Investigation continues	22-JAN-2015	O KELLY, PATRICK	23-JAN-2015	
FENNER, NAKIA	22-DEC-2014	21-JAN-2015		OTHER (DESCRIBE)	Continuing investigation	05-JAN-2015	O KELLY, PATRICK	06-JAN-2015	
FENNER, NAKIA	22-NOV-2014	22-DEC-2014		OTHER (DESCRIBE)	Continuing investigation	02-DEC-2014	O KELLY, PATRICK	03-DEC-2014	
FENNER, NAKIA	23-OCT-2014	22-NOV-2014		OTHER (DESCRIBE)	Continuing investigation...	31-OCT-2014	O KELLY, PATRICK	03-NOV-2014	

Current Allegations

Accused Name	Seq. No.	Allegation	Category	Subcategory	Finding
MCHALE, BRIAN	1	On 30 August 2014 at 2230 hours at [REDACTED] the reporting party Sgt. Eric Cato #1321 alleges that the accused police officer Brian MCHALE #8721 failed to secure his weapon.	10L IAD SUBCODE 10L	LOST / STOLEN WEAPON	SUSTAINED

Situations (Allegation Details)

Accused Name	Alleg. No.	Situation	Victim/Offender Armed?	Weapon Types	Weapon Other	Weapon Recovered?	Deceased?
--------------	------------	-----------	------------------------	--------------	--------------	-------------------	-----------

Status History

Resulting Status	Status Date/Time	Created By	Position	UOA / UOD	Comments
CLOSED/FINAL	15-AUG-2016 08:05	CHANDLER, GINA	POLICE AGENT	121 /	
PENDING FINANCE DIVISION RESPONSE	05-AUG-2016 09:42	CHANDLER, GINA	POLICE AGENT	121 /	

Status History

Resulting Status	Status Date/Time	Created By	Position	UOA / UOD	Comments
PENDING REVIEW AFTER SUPERINTENDENT DECISION	04-AUG-2016 02:15	ROUSSELL, JAMES	CHIEF	115 /	
PENDING SUPERINTENDENT DECISION	29-JUL-2016 09:24	CHANDLER, GINA	POLICE AGENT	121 /	
PENDING DISCIPLINARY SCREENING PROGRAM	29-JUL-2016 09:06	CHANDLER, GINA	POLICE AGENT	121 /	
PENDING REVIEW AFTER ACCUSED REQUEST	03-JUN-2015 11:23	CHANDLER, GINA	POLICE AGENT	121 /	
PENDING ACCUSED APPEAL	13-MAY-2015 01:36	RIVERA, JUAN	CHIEF	121 /	
PENDING ASSISTANT DEPUTY SUPERINTENDENT REVIEW	04-MAY-2015 01:58	MUZUPAPPA, PHYLLIS	SERGEANT OF POLICE	121 /	
PENDING ADVOCATE SECOND REVIEW	28-APR-2015 06:38	CHANDLER, GINA	POLICE AGENT	121 /	
PENDING REVIEW AFTER COMMAND CHANNEL (I.A.D.)	27-APR-2015 04:06	RICCIO, ANTHONY	CHIEF	188 /	
PENDING COMMAND CHANNEL REVIEW	27-APR-2015 01:52	CARTER, ERIC	DEP CHIEF	188 /	
PENDING COMMAND CHANNEL REVIEW	21-APR-2015 02:11	MUZUPAPPA, PHYLLIS	SERGEANT OF POLICE	121 /	
PENDING ADVOCATE REVIEW	16-APR-2015 07:22	CHANDLER, GINA	POLICE AGENT	121 /	
PENDING REVIEW INCIDENT (I.A.D./DISTRICT USE)	13-APR-2015 09:42	KLICHOWSKI, GREGORY	LIEUTENANT OF POLICE	121 /	
PENDING LIEUTENANT REVIEW	08-APR-2015 01:11	O KELLY, PATRICK	SERGEANT OF POLICE	121 /	
PENDING INVESTIGATIVE REVIEW	08-APR-2015 12:48	FENNER, NAKIA	SERGEANT OF POLICE	121 /	
PENDING ADDITIONAL INVESTIGATION	08-APR-2015 11:18	MUZUPAPPA, PHYLLIS	SERGEANT OF POLICE	121 /	
PENDING ADVOCATE REVIEW	08-APR-2015 10:38	CHANDLER, GINA	POLICE AGENT	121 /	
PENDING REVIEW INCIDENT (I.A.D./DISTRICT USE)	02-APR-2015 10:37	SUSNIS, MAUREEN	SERGEANT OF POLICE	121 /	
PENDING REVIEW INCIDENT (I.A.D./DISTRICT USE)	17-MAR-2015 10:04	KLIMAS, ROBERT	COMMANDER	121 /	
PENDING LIEUTENANT REVIEW	14-MAR-2015 12:12	KAUP JR, EDWIN	LIEUTENANT OF POLICE	121 /	
PENDING LIEUTENANT REVIEW	10-MAR-2015 06:32	O KELLY, PATRICK	SERGEANT OF POLICE	121 /	
PENDING INVESTIGATIVE REVIEW	09-MAR-2015 01:04	FENNER, NAKIA	SERGEANT OF POLICE	121 /	
PENDING ADDITIONAL INVESTIGATION	09-FEB-2015 12:22	SUSNIS, MAUREEN	SERGEANT OF POLICE	121 /	
PENDING ADVOCATE REVIEW	05-FEB-2015 10:59	CHANDLER, GINA	POLICE AGENT	121 /	
PENDING REVIEW INCIDENT (I.A.D./DISTRICT USE)	02-FEB-2015 08:44	KLIMAS, ROBERT	COMMANDER	121 /	
PENDING LIEUTENANT REVIEW	30-JAN-2015 04:56	KAUP JR, EDWIN	LIEUTENANT OF POLICE	121 /	
PENDING LIEUTENANT REVIEW	29-JAN-2015 08:29	O KELLY, PATRICK	SERGEANT OF POLICE	121 /	
PENDING INVESTIGATIVE REVIEW	28-JAN-2015 10:10	FENNER, NAKIA	SERGEANT OF POLICE	121 /	
PENDING INVESTIGATION	28-JAN-2015 10:08	O KELLY, PATRICK	SERGEANT OF POLICE	121 /	
PENDING INVESTIGATIVE REVIEW	27-JAN-2015 01:06	FENNER, NAKIA	SERGEANT OF POLICE	121 /	
PENDING INVESTIGATION	23-SEP-2014 10:55	TIERNEY, JOHN	SERGEANT OF POLICE	121 /	
PENDING ASSIGN INVESTIGATOR	22-SEP-2014 09:42	CLARK, SUSAN	LIEUTENANT OF POLICE	121 /	 Type Changed from INFO to CR on 22-SEP-2014 09:42 by CLARK, SUSAN
PENDING APPROVE TEAM	21-SEP-2014 08:08	BOYD, SHARON	POLICE OFFICER	121 /	
PENDING ASSIGN TEAM	04-SEP-2014 09:17	ROBERTS, GEORGE	SUPERVISING INVESTIGATOR	113 /	
PENDING SUPERVISOR REVIEW	04-SEP-2014 09:15	TOUSANT, LISA	INTAKE AIDE	113 /	
PRELIMINARY	04-SEP-2014 09:15	TOUSANT, LISA	INTAKE AIDE	113 /	
PRELIMINARY	04-SEP-2014 09:10	TOUSANT, LISA	INTAKE AIDE	113 /	
PRELIMINARY	31-AUG-2014 01:12	CHIBE, JOHN	POLICE OFFICER	116 /	

Attachments

No.	Type	Related Person	No. of Pages	Narrative	Original in File	Entered By	Entered Date/Time	Status	Approve Content	Approve Inclusion
1	FACE SHEET					CHIBE, JOHN	31-AUG-2014 01:12			

Attachments

No.	Type	Related Person	No. of Pages	Narrative	Original in File	Entered By	Entered Date/Time	Status	Approve Content	Approve Inclusion
1	INVESTIGATION					FENNER, NAKIA	26-SEP-2014 10:37			
2	CONFLICT CERTIFICATION					FENNER, NAKIA	26-SEP-2014 10:37			
3	DOCUMENTS - INVESTIGATION		1	NOT REQUIRED	Y	FENNER, NAKIA	09-JAN-2015 09:13	APPROVED		
4	DOCUMENTS - INTAKE INCIDENT		1		N	TOUSANT, LISA	04-SEP-2014 09:15	APPROVED		
5	DOCUMENTS - INVESTIGATION		2		N	FENNER, NAKIA	09-JAN-2015 09:18	APPROVED		
6	WITNESS NOTIFICATION					FENNER, NAKIA	05-JAN-2015 01:53	WITNESS ACKNOWLEDGED NOTIFICATION		
7	WITNESS NOTIFICATION					FENNER, NAKIA	05-JAN-2015 01:54	WITNESS ACKNOWLEDGED NOTIFICATION		
8	ACCUSED NOTIFICATION OF ALLEGATIONS	ACCUSED - MCHALE, BRIAN				FENNER, NAKIA	09-JAN-2015 09:05	ACCUSED ACKNOWLEDGED NOTIFICATION		
9	DOCUMENTS - INVESTIGATION		4		Y	FENNER, NAKIA	09-JAN-2015 09:21			
10	DOCUMENTS - INVESTIGATION		4		Y	FENNER, NAKIA	09-JAN-2015 09:22			
11	DOCUMENTS - INVESTIGATION	ACCUSED - MCHALE, BRIAN	4		Y	FENNER, NAKIA	23-JAN-2015 10:17			
12	DOCUMENTS - INVESTIGATION		14	U04-02	N	FENNER, NAKIA	23-JAN-2015 02:20			
13	DOCUMENTS - INVESTIGATION	ACCUSED - MCHALE, BRIAN	1	NO HISTORY	N	FENNER, NAKIA	26-JAN-2015 10:03			
14	DOCUMENTS - INVESTIGATION	ACCUSED - MCHALE, BRIAN	1	68 AWARDS	N	FENNER, NAKIA	26-JAN-2015 11:07	APPROVED		
	DOCUMENTS - ACCUSED APPEAL	ACCUSED - MCHALE, BRIAN	1	Grievance [REDACTED] (updated received June 2015)	N	CHANDLER, GINA	30-JUN-2016 02:24	APPROVED		
	DOCUMENTS - ACCUSED APPEAL	ACCUSED - MCHALE, BRIAN	2	GRIEVANCE SEEKING SUMMARY OPINION	N	CHANDLER, GINA	03-JUN-2015 11:23	APPROVED		
	DOCUMENTS - INVESTIGATION		5	Closing Packet	Y	FENNER, NAKIA	27-JAN-2015 01:06	DELETED		
	DOCUMENTS - INVESTIGATION		4	NOT SIGNED	Y	FENNER, NAKIA	09-JAN-2015 09:19	DELETED		
	DOCUMENTS - ACCUSED APPEAL	ACCUSED - MCHALE, BRIAN	2	Binding Summary Opinion/Reduced - 3 Day Suspension	N	CHANDLER, GINA	28-JUL-2016 02:35	APPROVED		
	DOCUMENTS - INVESTIGATION		5	Closing Packet	Y	FENNER, NAKIA	09-MAR-2015 01:03	APPROVED		

Review Incident

Review Type	Accused/Involved Member Name	Result Type	Reviewed By	Position	Unit	Review Date	Remarks
ASSISTANT DEPUTY SUPERINTENDENT REVIEW	MCHALE, BRIAN	SUBMITTED	RIVERA, JUAN	CHIEF	121	13-MAY-2015 01:36	
ASSISTANT ADVOCATE REVIEW	MCHALE, BRIAN	SUBMITTED	CHANDLER, GINA	POLICE AGENT	121	28-APR-2015 06:38	Members of CCR recommend the penalty be lowered. The Deputy Chief recommends that the penalty be lowered to 5 days and the Chief recommends a 3 day suspension. To the Chief.
ASSISTANT ADVOCATE REVIEW		SUBMITTED	CHANDLER, GINA	POLICE AGENT	121	16-APR-2015 07:22	To CCR
LIEUTENANT REVIEW		SUBMITTED	KLICHOWSKI, GREGORY	LIEUTENANT OF POLICE	121	13-APR-2015 09:42	.
SERGEANT REVIEW		SUBMITTED	O KELLY, PATRICK	SERGEANT OF POLICE	196	08-APR-2015 01:11	
ADVOCATE REVIEW		ADDITIONAL INVESTIGATION NEEDED	MUZUPAPPA, PHYLLIS	SERGEANT OF POLICE	121	08-APR-2015 11:18	Please include as an attachment the section of Department directive U04-02 that was referenced in Basis for Rule violation.
ASSISTANT ADVOCATE REVIEW		SUBMITTED	CHANDLER, GINA	POLICE AGENT	121	08-APR-2015 10:38	The section of the order that the accused violated is missing from the electronic basis.
LIEUTENANT REVIEW		SUBMITTED	KLIMAS, ROBERT	COMMANDER	121	17-MAR-2015 10:04	OK
LIEUTENANT REVIEW		SUBMITTED	KAUP JR, EDWIN	CAPTAIN OF POLICE	011	14-MAR-2015 12:12	
SERGEANT REVIEW		SUBMITTED	O KELLY, PATRICK	SERGEANT OF POLICE	196	10-MAR-2015 06:32	
ADVOCATE REVIEW		ADDITIONAL INVESTIGATION NEEDED	SUSNIS, MAUREEN	LIEUTENANT OF POLICE	196	09-FEB-2015 12:22	Additional Work Requested.
ASSISTANT ADVOCATE REVIEW		SUBMITTED	CHANDLER, GINA	POLICE AGENT	121	05-FEB-2015 10:59	AI
LIEUTENANT REVIEW		SUBMITTED	KLIMAS, ROBERT	COMMANDER	121	02-FEB-2015 08:44	OK

Review Incident

Review Type	Accused/Involved Member Name	Result Type	Reviewed By	Position	Unit	Review Date	Remarks
LIEUTENANT REVIEW		SUBMITTED	KAUP JR, EDWIN	CAPTAIN OF POLICE	011	30-JAN-2015 04:56	
SERGEANT REVIEW		SUBMITTED	O KELLY, PATRICK	SERGEANT OF POLICE	196	29-JAN-2015 08:29	
SERGEANT REVIEW		RETURNED TO INVESTIGATOR	O KELLY, PATRICK	SERGEANT OF POLICE	196	28-JAN-2015 10:08	

Review Accused

Review Type	Accused/Involved Member Name	Result Type	Reviewed By	Position	Unit	Review Date	Remarks
ADVOCATE OFFICE CLOSING STEPS	MCHALE, BRIAN	SUBMITTED	CHANDLER, GINA	POLICE AGENT	121	15-AUG-2016 08:05	
FINANCE DIVISION RESPONSE	MCHALE, BRIAN	SUBMITTED	ALI-KELLEY, YASMINE	MANAGER POL PAYROLL	122	12-AUG-2016 10:42	
FINANCE DIVISION RESPONSE	MCHALE, BRIAN	ACCEPTED/SAVED	ALI-KELLEY, YASMINE	MANAGER POL PAYROLL	122	12-AUG-2016 10:41	
FINANCE DIVISION RESPONSE	MCHALE, BRIAN	ACCEPTED/SAVED	ALI-KELLEY, YASMINE	MANAGER POL PAYROLL	122	08-AUG-2016 10:22	Mail to unit with options form 8 Aug 16.
FINANCE DIVISION RESPONSE	MCHALE, BRIAN	ACCEPTED/SAVED	ALI-KELLEY, YASMINE	MANAGER POL PAYROLL	122	08-AUG-2016 10:21	Mailed to unit with options form 8 Aug 16.
REVIEW AFTER SUPERINTENDENT DECISION	MCHALE, BRIAN	SUBMITTED	CHANDLER, GINA	POLICE AGENT	121	05-AUG-2016 09:42	
SUPERINTENDENT DECISION	MCHALE, BRIAN	SUBMITTED	ROUSSELL, JAMES	DEPUTY DIRECTOR	111	04-AUG-2016 02:15	
DISCIPLINARY SCREENING PROGRAM	MCHALE, BRIAN	SUBMITTED	CHANDLER, GINA	POLICE AGENT	121	29-JUL-2016 09:24	Binding Summary Opinion/Reduced to 3 Day Suspension
DIRECT APPEAL TO SUPERINTENDENT	MCHALE, BRIAN	SUBMITTED	CHANDLER, GINA	POLICE AGENT	121	29-JUL-2016 09:06	
ADVOCATE OFFICE ACCUSED REVIEW	MCHALE, BRIAN	SUBMITTED	CHANDLER, GINA	POLICE AGENT	121	03-JUN-2015 11:23	GRIEVANCE SEEKING SUMMARY OPINION
ADVOCATE OFFICE ACCUSED REVIEW	MCHALE, BRIAN	SUBMITTED	CHANDLER, GINA	POLICE AGENT	121	15-MAY-2015 11:30	
ADVOCATE REVIEW	MCHALE, BRIAN	SUBMITTED	MUZUPAPPA, PHYLLIS	SERGEANT OF POLICE	121	04-MAY-2015 01:58	CCR recommends a lower penalty
COMMAND CHANNEL REVIEW	MCHALE, BRIAN	SUBMITTED - DO NOT CONCUR	RICCIO, ANTHONY	FIRST DEPUTY SUPT.	140	27-APR-2015 04:06	
COMMAND CHANNEL REVIEW	MCHALE, BRIAN	SUBMITTED - DO NOT CONCUR	CARTER, ERIC	DEP CHIEF	141	27-APR-2015 01:52	
ADVOCATE REVIEW	MCHALE, BRIAN	SUBMITTED	MUZUPAPPA, PHYLLIS	SERGEANT OF POLICE	121	21-APR-2015 02:11	

Accused Finding History

Accused	Allegation	Reviewed By	Reviewed Date/Time	CCR?	Concur?	Finding	Finding Comments
MCHALE, BRIAN	1. On 30 August 2014 at 2230 hours at ██████ the report...	ROUSSELL, JAMES	04-AUG-2016 02:15			SUSTAINED	
MCHALE, BRIAN	1. On 30 August 2014 at 2230 hours at ██████ the report...	CHANDLER, GINA	29-JUL-2016 09:24			SUSTAINED	
MCHALE, BRIAN	1. On 30 August 2014 at 2230 hours at ██████ the report...	CHANDLER, GINA	29-JUL-2016 09:06			SUSTAINED	
MCHALE, BRIAN	1. On 30 August 2014 at 2230 hours at ██████ the report...	RIVERA, JUAN	13-MAY-2015 01:36		Y	SUSTAINED	
MCHALE, BRIAN	1. On 30 August 2014 at 2230 hours at ██████ the report...	RICCIO, ANTHONY	27-APR-2015 04:06	Y	Y	SUSTAINED	
MCHALE, BRIAN	1. On 30 August 2014 at 2230 hours at ██████ the report...	CARTER, ERIC	27-APR-2015 01:52	Y	Y	SUSTAINED	
MCHALE, BRIAN	1. On 30 August 2014 at 2230 hours at ██████ the report...	FENNER, NAKIA	27-JAN-2015 01:06			SUSTAINED	

Accused Penalty History

Accused	Reviewed By	Reviewed Date/Time	CCR?	Concur?	Penalty	Penalty Comments
MCHALE, BRIAN	ROUSSELL, JAMES	04-AUG-2016 02:15			SUSPENSION 3 Day(s)	
MCHALE, BRIAN	CHANDLER, GINA	29-JUL-2016 09:24			SUSPENSION 3 Day(s)	
MCHALE, BRIAN	RIVERA, JUAN	13-MAY-2015 01:36		Y	SUSPENSION 10 Day(s)	

Accused Penalty History

Accused	Reviewed By	Reviewed Date/Time	CCR?	Concur?	Penalty	Penalty Comments
MCHALE, BRIAN	RICCIO, ANTHONY	27-APR-2015 04:06	Y	N	SUSPENSION 3 Day(s)	The officer's actions do not warrant a suspension of 10 days. His actions constitute a mistake - not misconduct. The weapon was immediately recovered and returned to the officer. The reporting Chief recommends a suspension of 3 days.
MCHALE, BRIAN	CARTER, ERIC	27-APR-2015 01:52	Y	N	SUSPENSION 5 Day(s)	In light of the accused officers weapons being recovered immediately by department personnel and taking into account his good complimentary and disciplinary history it is the Recommendation of the undersigned that he officer be given five days suspension decreased from the original ten.
MCHALE, BRIAN	O KELLY, PATRICK	29-JAN-2015 08:29			SUSPENSION 10 Day(s)	

Findings

Accused Name	Allegations	Category	Concur?	Findings	Comments
MCHALE, BRIAN	On 30 August 2014 at 2230 hours at [REDACTED] the reporting party Sgt. Eric Cato #1321 alleges that the accused police officer Brian MCHALE #8721 failed to secure his weapon.	10L IAD SUBCODE 10L		SUSTAINED	

FACE SHEET (Notification Date: 31-AUG-2014) - LOG #1071280

TYPE: CR

Reporting Party Information

	Role	Name	Star No.	Emp No.	UOA / UOD	Position	Sex	Race	Address	Phone
CPD Employee	Reporting Party Witness	CATO, ERIC D			189 /	SERGEANT OF POLICE	M	BLK		

Incident Information

Incident From Date/Time	Address of Incident	Beat	Dist. Of Occurrence	Location Code	Location Description
30-AUG-2014 10:50 - 30-AUG-2014 10:50		0713	007	304 - STREET	

Accused Members

	Role	Name	Star No.	Emp No.	UOA / UOD	Position	Status	Initial / Intake Allegation
CPD Employee	Accused	MCHALE, BRIAN	8721		189 /	POLICE OFFICER	ON Duty	It is reported that the accused officer was inattentive to duty in that, the accused officer failed to secure his weapon at which time; the accused officer placed his weapon on the trunk of the vehicle which had fallen off after pulling off at the above location.
Note: The weapon was recovered later with all rounds accounted for.								

Incident Details

CR Required?		Manner Incident Received?	PAX
Confidential?		Biased Language?	N
Extraordinary Occurrence?	N	Bias Based Profiling?	N
Police Shooting (U)?	N		
Motor Vehicle (V)?		Alcohol Related?	N
Non Disciplinary Intervention:	N	Pursuit Related?	N
Initial Assignment:	IAD	Violence in Workplace?	N
Notify IAD Immediately?	N	Domestic Violence?	N
EEO Complaint No.:			
Civil Suit No.:		Notify Chief?	
Notify Chief Administrator?	N	Notification Does Not Apply?	Y
Notify Coordinator?			
Notification Other?	N		

Initial Incident Category List

Initial Incident Category	Primary?
10L - IAD SUBCODE 10L	Y
10L - IAD SUBCODE 10L	Y

Assignment History

Assigned To	Assigned Team	Investigator	Assignment Date/Time	Assigned By	Reason
IAD	GENERAL INVESTIGATION SECTION	O KELLY, PATRICK (SUPERVISOR)	08-APR-2015 11:18	MUZUPAPPA, PHYLLIS	
IAD	GENERAL INVESTIGATION SECTION	FENNER, NAKIA (PRIMARY INV)	08-APR-2015 11:18	MUZUPAPPA, PHYLLIS	
IAD	GENERAL INVESTIGATION SECTION	O KELLY, PATRICK (SUPERVISOR)	09-FEB-2015 12:22	SUSNIS, MAUREEN	
IAD	GENERAL INVESTIGATION SECTION	FENNER, NAKIA (PRIMARY INV)	09-FEB-2015 12:22	SUSNIS, MAUREEN	
IAD	GENERAL INVESTIGATION SECTION	O KELLY, PATRICK (SUPERVISOR)	28-JAN-2015 10:08	O KELLY, PATRICK	
IAD	GENERAL INVESTIGATION SECTION	FENNER, NAKIA (PRIMARY INV)	28-JAN-2015 10:08	O KELLY, PATRICK	
IAD	GENERAL INVESTIGATION SECTION	O KELLY, PATRICK (SUPERVISOR)	23-SEP-2014 10:55	TIERNEY, JOHN	
IAD	GENERAL INVESTIGATION SECTION	FENNER, NAKIA (PRIMARY INV)	23-SEP-2014 10:55	TIERNEY, JOHN	
IAD	GENERAL INVESTIGATION SECTION	-	21-SEP-2014 08:08	BOYD, SHARON	
IAD	INTERNAL AFFAIRS DIVISION	-	31-AUG-2014 01:12	CHIBE, JOHN	

Assignment History

Status History

Resulting Status	Status Date/Time	Created By	Position	UOA / UOD	Comments
CLOSED/FINAL	15-AUG-2016 08:05	CHANDLER, GINA	POLICE AGENT	121 /	
PENDING FINANCE DIVISION RESPONSE	05-AUG-2016 09:42	CHANDLER, GINA	POLICE AGENT	121 /	
PENDING REVIEW AFTER SUPERINTENDENT DECISION	04-AUG-2016 02:15	ROUSSELL, JAMES	CHIEF	115 /	
PENDING SUPERINTENDENT DECISION	29-JUL-2016 09:24	CHANDLER, GINA	POLICE AGENT	121 /	
PENDING DISCIPLINARY SCREENING PROGRAM	29-JUL-2016 09:06	CHANDLER, GINA	POLICE AGENT	121 /	
PENDING REVIEW AFTER ACCUSED REQUEST	03-JUN-2015 11:23	CHANDLER, GINA	POLICE AGENT	121 /	
PENDING ACCUSED APPEAL	13-MAY-2015 01:36	RIVERA, JUAN	CHIEF	121 /	
PENDING ASSISTANT DEPUTY SUPERINTENDENT REVIEW	04-MAY-2015 01:58	MUZUPAPPA, PHYLLIS	SERGEANT OF POLICE	121 /	
PENDING ADVOCATE SECOND REVIEW	28-APR-2015 06:38	CHANDLER, GINA	POLICE AGENT	121 /	
PENDING REVIEW AFTER COMMAND CHANNEL (I.A.D.)	27-APR-2015 04:06	RICCIO, ANTHONY	CHIEF	188 /	
PENDING COMMAND CHANNEL REVIEW	27-APR-2015 01:52	CARTER, ERIC	DEP CHIEF	188 /	
PENDING COMMAND CHANNEL REVIEW	21-APR-2015 02:11	MUZUPAPPA, PHYLLIS	SERGEANT OF POLICE	121 /	
PENDING ADVOCATE REVIEW	16-APR-2015 07:22	CHANDLER, GINA	POLICE AGENT	121 /	
PENDING REVIEW INCIDENT (I.A.D./DISTRICT USE)	13-APR-2015 09:42	KLICHOWSKI, GREGORY	LIEUTENANT OF POLICE	121 /	
PENDING LIEUTENANT REVIEW	08-APR-2015 01:11	O KELLY, PATRICK	SERGEANT OF POLICE	121 /	
PENDING INVESTIGATIVE REVIEW	08-APR-2015 12:48	FENNER, NAKIA	SERGEANT OF POLICE	121 /	
PENDING ADDITIONAL INVESTIGATION	08-APR-2015 11:18	MUZUPAPPA, PHYLLIS	SERGEANT OF POLICE	121 /	
PENDING ADVOCATE REVIEW	08-APR-2015 10:38	CHANDLER, GINA	POLICE AGENT	121 /	
PENDING REVIEW INCIDENT (I.A.D./DISTRICT USE)	02-APR-2015 10:37	SUSNIS, MAUREEN	SERGEANT OF POLICE	121 /	
PENDING REVIEW INCIDENT (I.A.D./DISTRICT USE)	17-MAR-2015 10:04	KLIMAS, ROBERT	COMMANDER	121 /	
PENDING LIEUTENANT REVIEW	14-MAR-2015 12:12	KAUP JR, EDWIN	LIEUTENANT OF POLICE	121 /	
PENDING LIEUTENANT REVIEW	10-MAR-2015 06:32	O KELLY, PATRICK	SERGEANT OF POLICE	121 /	
PENDING INVESTIGATIVE REVIEW	09-MAR-2015 01:04	FENNER, NAKIA	SERGEANT OF POLICE	121 /	
PENDING ADDITIONAL INVESTIGATION	09-FEB-2015 12:22	SUSNIS, MAUREEN	SERGEANT OF POLICE	121 /	
PENDING ADVOCATE REVIEW	05-FEB-2015 10:59	CHANDLER, GINA	POLICE AGENT	121 /	
PENDING REVIEW INCIDENT (I.A.D./DISTRICT USE)	02-FEB-2015 08:44	KLIMAS, ROBERT	COMMANDER	121 /	
PENDING LIEUTENANT REVIEW	30-JAN-2015 04:56	KAUP JR, EDWIN	LIEUTENANT OF POLICE	121 /	
PENDING LIEUTENANT REVIEW	29-JAN-2015 08:29	O KELLY, PATRICK	SERGEANT OF POLICE	121 /	
PENDING INVESTIGATIVE REVIEW	28-JAN-2015 10:10	FENNER, NAKIA	SERGEANT OF POLICE	121 /	
PENDING INVESTIGATION	28-JAN-2015 10:08	O KELLY, PATRICK	SERGEANT OF POLICE	121 /	
PENDING INVESTIGATIVE REVIEW	27-JAN-2015 01:06	FENNER, NAKIA	SERGEANT OF POLICE	121 /	
PENDING INVESTIGATION	23-SEP-2014 10:55	TIERNEY, JOHN	SERGEANT OF POLICE	121 /	
PENDING ASSIGN INVESTIGATOR	22-SEP-2014 09:42	CLARK, SUSAN	LIEUTENANT OF POLICE	121 /	 Type Changed from INFO to CR on 22-SEP-2014 09:42 by CLARK, SUSAN
PENDING APPROVE TEAM	21-SEP-2014 08:08	BOYD, SHARON	POLICE OFFICER	121 /	
PENDING ASSIGN TEAM	04-SEP-2014 09:17	ROBERTS, GEORGE	SUPERVISING INVESTIGATOR	113 /	
PENDING SUPERVISOR REVIEW	04-SEP-2014 09:15	TOUSANT, LISA	INTAKE AIDE	113 /	
PRELIMINARY	04-SEP-2014 09:15	TOUSANT, LISA	INTAKE AIDE	113 /	
PRELIMINARY	04-SEP-2014 09:10	TOUSANT, LISA	INTAKE AIDE	113 /	
PRELIMINARY	31-AUG-2014 01:12	CHIBE, JOHN	POLICE OFFICER	116 /	

SWORN AFFIDAVIT FOR COMPLAINT LOG INVESTIGATION
CHICAGO POLICE DEPARTMENT

STATE OF ILLINOIS)

COUNTY OF COOK)

CC

Location of Incident [REDACTED]	Date 30 August 2014	Time 2230 hours
Summary of Statement(s): On 30 August 2014 at 2230 hours at [REDACTED] the reporting party Sgt. Eric CATO #1321 alleges that the accused police officer Brian MCHALE #8721 failed to secure his weapon.		

I, _____ hereby state as follows:

1. I have read the above summary and/or attached statement(s) in its entirety, reviewed it for accuracy and been given an opportunity to make corrections and additions to the statement(s).
2. Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the information set forth in the statement(s) above and/or attached summary are true and correct, except as to any matters therein stated to be on information and belief as to such matters, I certify as aforesaid that I verily believe the same to be true.

Print Affiant's Name

Print Witness' Name

Affiant's Signature

Witness' Signature

Date

Date

CPD-44.126 (Rev. 7/09) English

Attachment No. 3

Complaint Log No. 1071280

BUREAU OF ORGANIZED CRIME
NARCOTICS DIVISION

1 September 2014

TO: Eric M. Carter
Deputy Chief
Bureau of Organized CrimeFROM: Sgt. Eric D. Cato #1321
Narcotics Division
Team 1-4

SUBJECT: CL # 1071280 Initiation

DATE/TIME: 30 August 2014
2230Hrs.

LOCATION: [REDACTED]

PERSONNEL: P.O. B. McHale #8721
ACCUSED: Unit 189COMPLAINANT: Sgt. Eric D. Cato #1321
Unit 189NOTIFICATIONS: Chube #7303 (CPIC)
Lt. Skipper #766 (007th District)
Lt. M. Ryle #418 (Unit 189)

NARRATIVE: On 30 August 2014 at approximately 2250 Hrs. This R/S was working required canceled day off and was notified by P.O. B. McHale #8721 who was also working required canceled day off day, that P.O. B. McHale #8721 had lost his duty weapon (Glock, model 21 serial number [REDACTED] while responding to a shots fired call at [REDACTED] (007th District). P.O. B. McHale related that he had placed his weapon on the trunk of the vehicle, and that he believed that his weapon had fallen off the trunk of his vehicle at [REDACTED]. P.O. B. McHale weapon was recovered by Beat 713R. All rounds were accounted for, no damage on the weapon. Weapon was returned to P.O. B. McHale #8721 by Lt. Skipper #766.

Original Case report attached

Sgt. Eric D. Cato #1321
Sgt. Eric D. Cato #1321
Narcotics Division

CHICAGO POLICE DEPARTMENT

ORIGINAL CASE INCIDENT REPORT

3510 S Michigan Avenue, Chicago, Illinois 60653

(For use by Chicago Police Department Personnel Only)

CPD 31 300(6.03) C

RD #
Case ID
EVENT

INCIDENT	APPROVAL COMPLETE		
	IUCR: 8070 - Non-Criminal - Lost Property		
	Occurrence Location: 304 - Street	Beat: 0713	Unit Assigned: 0702
	Occurrence Date: 30 August 2014 22:30		RO Arrival Date: 31 August 2014 00:01

NON-OFFENDER(S)	VICTIM - Individual		Police Officer
	Name: MCHALE, Brian J		
	3340 W Fillmore St Chicago, Illinois 60612		Beat: 1134
	Sobriety: Sober CPD Officer: Yes		
Other Communications and Availability:			
Residence Phone: 773-919-3434			

OTHER	Miscellaneous	
	Victim Information Provided	
		Flash Message Sent? No

FIREARMS	Firearm #1		Possessor/User: Unknown
	Type: Semi-Automatic Pistol		
	Make: Glock, Inc. -Au--	Model: 21	Serial #: [REDACTED]
	Feature: Black	Caliber/Gauge: 45 caliber	Barrel Length: 4 INCH
	Displayed? No	Used? No	Recovered? No
	Taken/Stolen? No	Duty Related? No	Evidence?
	Owner Known? Yes	Owner: [REDACTED]	Phone: 773 - 919 - 3434
	Registered Status: Lost		Magazine Capacity: 13
	# Live Rounds: 14		Inventory #: [REDACTED]

Chicago Police Department - Incident Report

RD #: [REDACTED]

NARRATIVES

EVENT # [REDACTED] IN SUMMARY, BRIAN MCHALE (LOSER) CHICAGO POLICE OFFICER, REPORTED THAT WHILE HE WAS CHANGING HIS DUTY WEAPON'S HOLSTERS AT HIS VEHICLE AT THE 007 DISTRICT EAST LOT, A CALL FOR SHOTS FIRED CAME OUT WITH THE LOCATION OF [REDACTED]. BRIAN MCHALE (LOSER) RESPONDED AND AFTER ARRIVING IN THE AREA OF [REDACTED] REALIZED THAT HIS WEAPON WAS MISSING. BRIAN MCHALE (LOSER) REALIZED THAT HE HAD PUT HIS GUN ON THE TRUNK OF HIS SQUAD CAR WHEN THE CALL CAME OUT AND BELIEVES THAT HE DROVE TO THE CALL WITH THE GUN STILL ON THE TRUNK OF HIS VEHICLE. IMMEDIATELY HE RETURNED TO THIS AREA AND BEGAN TO SEARCH, NOTIFYING HIS SGT. CATO #1321, WHO IMMEDIATELY RESPONDED TO THE SCENE. WHEN BRIAN MCHALE (LOSER) WAS UNABLE TO FIND HIS DUTY WEAPON HE RELOCATED TO 007 WHERE NOTIFIED LT SKIPPER #766. R/O WAS IN THE PROCESS OF COMPLETING THIS CASE REPORT WHEN BEAT 713R ARRIVED INTO 007 AFTER RECOVERING A FIRE ARM. FURTHER INVESTIGATION REVEALED THAT THE RECOVERED FIREARM TO BE BRIAN MCHALE (LOSER) LOST DUTY WEAPON. WEAPON WAS FOUND BY BEAT 713R FULLY LOADED IN ITS PANCAKE HOLSTER, IT HAD NOT BEEN FIRED. ALL ROUNDS WERE ACCOUNTED FOR. THERE WAS NO DAMAGE TO THE WEAPON, SERIAL NUMBER WAS CONFIRMED VIA CLEAR/FIREARMS TRAINING SECTION. WEAPON WAS RETURNED TO BRIAN MCHALE (LOSER) BY LT SKIPPER # 766 AT 0105 HRS. ADDITIONAL NOTIFICATION TO STREET DEPUTY, MEALER BY LT SKIPPER AT 0055 HRS.

PERSONNEL

	Star No	Emp No	Name	User	Date	Unit	Beat
Reporting Officer	12952	[REDACTED]	SOTO, Marilyn	[REDACTED]	31 Aug 2014 02:05	007	0702

CHICAGO POLICE DEPARTMENT
ORIGINAL CASE INCIDENT REPORT

3510 S. Michigan Avenue, Chicago, Illinois 60653
(For use by Chicago Police Department Personnel Only)
CPD-11.388(6/03)-C)

RD #: [REDACTED]

EVENT #:

Case ID:

CLOSED NON-CRIMINAL

INCIDENT

IUCR: 5070 - Non-Criminal - Lost Property

Occurrence

Beat: 0713

Unit Assigned: 0702

Location:

RO Arrival Date: 31 August 2014 00:01

304 - Street

Occurrence Date: 30 August 2014 22:30

VICTIM - Individual

Police Officer

NON OFFENDER

Name: MCHALE, Brian J

Demographics

3340 W Fillmore St

Beat: 1134

Age: Years

Chicago, IL 60612

Sobriety: Sober

Other Communications and Availability

Residence 773-919-3434

Phone:

DOMESTIC INFO

Miscellaneous

OTHER

Victim Information Provided

Flash Message Sent ? No

Firearm #1

Possessor/User: UNKNOWN

FIREARMS

Type: Semi-Automatic Pistol

Duty Related: No

Make: Glock, Inc.-Au-

Model: 21

Taken/Stolen? No

Serial #:

Owner Known? Yes

Caliber/Gauge: 45 Caliber

Owner: Brian Mchale

Displayed? No

Barrel Length: 4 INCH

Phone: 773 - 919 - 3434

Used? No

Feature: Black

Recovered? No

Registration Status: Lost

Inventory #:

Live Rounds: 14

RD #:

NARRATIVE

EVENT # [REDACTED] IN SUMMARY, BRIAN MCHALE (LOSER) CHICAGO POLICE OFFICER, REPORTED THAT WHILE HE WAS CHANGING HIS DUTY WEAPON'S HOLSTERS AT HIS VEHICLE AT THE 007 DISTRICT EAST LOT, A CALL FOR SHOTS FIRED CAME OUT WITH THE LOCATION OF [REDACTED] BRIAN MCHALE (LOSER) RESPONDED AND AFTER ARRIVING IN THE AREA OF [REDACTED] REALIZED THAT HIS WEAPON WAS MISSING. BRIAN MCHALE (LOSER) REALIZED THAT HE HAD PUT HIS GUN ON THE TRUNK OF HIS SQUAD CAR WHEN THE CALL CAME OUT AND BELIEVES THAT HE DROVE TO THE CALL WITH THE GUN STILL ON THE TRUNK OF HIS VEHICLE. IMMEDIATLY HE RETURNED TO THIS AREA AND BEGAN TO SEARCH, NOTIFYING HIS SGT, CATO #1321, WHO IMMEDIATELY RESPONDED TO THE SCENE. WHEN BRIAN MCHALE (LOSER) WAS UNABLE TO FIND HIS DUTY WEAPON HE RELOCATED TO 007 WHERE NOTIFIED LT SKIPPER #766. R/O WAS IN THE PROCESS OF COMPLETING THIS CASE REPORT WHEN BEAT 713R ARRIVED INTO 007 AFTER RECOVERING A FIRE ARM. FURTHER INVESTIGATION REVEALED THAT THE RECOVERED FIREARM TO BE BRIAN MCHALE (LOSER) LOST DUTY WEAPON. WEAPON WAS FOUND BY BEAT 713R FULLY LOADED IN ITS PANCAKE HOLSTER, IT HAD NOT BEEN FIRED. ALL ROUNDS WERE ACCOUNTED FOR. THERE WAS NO DAMAGE TO THE WEAPON, SERIAL NUMBER WAS CONFIRMED VIA CLEAR/FIREARMS TRAINING SECTION. WEAPON WAS RETURNED TO BRIAN MCHALE (LOSER) BY LT SKIPPER # 766 AT 0105 HRS. ADDITIONAL NOTIFICATION TO STREET DEPUTY, MEALER BY LT SKIPPER AT 0055 HRS.

PERSONNEL

	Star No	Emp No	Name	User	Date	Unit	Beat
Approving Supervisor	2293	[REDACTED]	JOHNSON, James, L	[REDACTED]	31 Aug 2014 02:07	007	
Reporting Officer	12952	[REDACTED]	SOTO, Marilyn	[REDACTED]	31 Aug 2014 02:05	007	0702



INVESTIGATIONS DIVISION
General Investigations

09 January 2015
Log No.:1071280

1 This is the statement of Witness Police Officer Alicja BOCHENEK #11386 relative to
2 allegations that on 30 August 2014 at 2250 hours at [REDACTED]
3 [REDACTED]
4

5 Allegation: It is alleged that the accused Police Officer Brian MCHALE #8721
6 failed to secure his weapon.
7
8

9 Statement is being taken at the Bureau of Internal Affairs, Investigations Division, 3510
10 S. Michigan Avenue, Chicago, Illinois in Interview Room #1.
11

12 Questioned and
13 Typed by: SGT. Nakia FENNER, #2306, Unit 121
14

15 Date, Time: 09 January 2015 at 0725 hours.
16

17 SGT. FENNER: Are you accompanied by counsel/representative of your choosing
18 and if so, identify him for the record?
19

20 P.O. BOCHENEK: Yes, [REDACTED]
21

22 SGT. FENNER: "Rule 14" of the Chicago Police Department's Rules and
23 Regulations prohibits making false reports, whether written or oral.
24 You may be separated from the Chicago Police Department if you
25 make a false report. Do you understand?
26

27 P.O. BOCHENEK: Yes
28

29 SGT. FENNER: Do you understand that at the completion of this typed interview,
30 this statement will become an official Chicago Police Department
31 report and that any deviation from the truth could result in
32 allegations or charges being placed against you?
33

34 P.O. BOCHENEK: Yes
35

36 SGT. FENNER: At the conclusion of this interview, I will print out this statement
37 for your review. The purpose of the review is to provide you the
38 opportunity to ensure that the questions and answers are correct. I
39 will also ask you to initial each page and provide you with a copy
40 of this interview. Is this understood?
41

42 P.O. BOCHENEK: Yes
43

44 SGT. FENNER: Please be aware that a Sworn Affidavit is not required for this case.
45 Are you ready to give your statement at this time?
46

Initials: ABC [Signature]

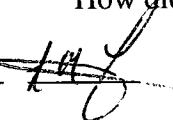
Page 1 of 4

Log No.:1071280
Attachment No.: _____

INVESTIGATIONS DIVISION
General Investigations

09 January 2015
Log No.:1071280

47 P.O. BOCHENEK: Yes, however this statement is not being given voluntarily, but
48 under duress. I am only giving this statement because I know that
49 I will lose my job if I refuse the direct order being given to me.
50
51 SGT. FENNER: What are your full name, rank, star number and unit of
52 assignment?
53
54 P.O. BOCHENEK: Alicja BOCHENEK, Police Officer, #11386, 007
55
56 SGT. FENNER: What is your date of birth and Employee Number?
57
58 P.O. BOCHENEK: [REDACTED], Employee # [REDACTED]
59
60 SGT. FENNER: What is your date of appointment to the Department?
61
62 P.O. BOCHENEK: 29 August 2005
63
64 SGT. FENNER: How long have you been assigned to your present unit?
65
66 P.O. BOCHENEK: 3 years
67
68 SGT. FENNER: What was your duty status and hours of assignment on 31 August
69 2014?
70
71 P.O. BOCHENEK: On duty from 2100 - 0600
72
73 SGT. FENNER: Did you complete and submit a Supplementary Report under RD
74 number [REDACTED]
75
76 P.O. BOCHENEK: Yes
77
78 SGT. FENNER: Did you or your partner recover a firearm while patrolling the 007th
79 District on 31 August 2014?
80
81 P.O. BOCHENEK: Yes
82
83 SGT. FENNER: What time was the firearm recovered?
84
85 P.O. BOCHENEK: I don't recall.
86
87 SGT. FENNER: What were the circumstances leading to the recovery of the
88 firearm?
89
90 P.O. BOCHENEK: Traffic stop
91
92 SGT. FENNER: How did you or your partner discover the firearm?

Initials: AB 

Page 2 of 4

Log No.:1071280
Attachment No.: _____

CPD 0324926

93
94 P.O. BOCHENEK: We conducted a traffic stop and the gun was laying on the street
95 next to the car we were stopping.
96
97 SGT. FENNER: Once you discovered the firearm, what actions did you take?
98
99 P.O. BOCHENEK: We took it all into the 007th District
100
101 SGT. FENNER: What address was the firearm recovered from?
102
103 P.O. BOCHENEK: [REDACTED]
104
105 SGT. FENNER: What type of location was the firearm recovered from?
106
107 P.O. BOCHENEK: On the street.
108
109 SGT. FENNER: Did you learn the owner of the firearm?
110
111 P.O. BOCHENEK: Not until we were in the station.
112
113 SGT. FENNER: Who was the owner of the firearm?
114
115 P.O. BOCHENEK: Officer Brian McHale.
116
117 SGT. FENNER: How did you verify the owner of the weapon?
118
119 P.O. BOCHENEK: My Sergeant took the weapon and they had knowledge of the
120 officer losing the weapon.
121
122 SGT. FENNER: Upon recovering the firearm, were all rounds accounted for?
123
124 P.O. BOCHENEK: Yes.
125
126 SGT. FENNER: To the best of your knowledge, had the firearm been fired
127 immediately prior to you recovering the firearm?
128
129 P.O. BOCHENEK: No.
130
131 SGT. FENNER: Did you observe any damage to the firearm?
132
133 P.O. BOCHENEK: No.
134
135 SGT. FENNER: Did you return the firearm to its owner, Brian McHale?
136
137 P.O. BOCHENEK: No. I gave it to my Sergeant.
138

Initials: AB AL

INVESTIGATIONS DIVISION
General Investigations

09 January 2015
Log No.:1071280

139 SGT. FENNER: Is there anything relative to this incident that you wish to add to
140 this statement?
141

142 P.O. BOCHENEK: No
143

144 SGT. FENNER: After reading this statement consisting of 4 pages and finding it
145 contains the responses you have given, will you sign it?
146

147 P.O. BOCHENEK: Yes
148

149 SGT. FENNER: Statement concluded at 0732 hours.
150
151
152

153  11386
154

155 P.O. Alicja BOCHENEK #11386
156 007 - Unit of Assignment
157
158

159  #2306
160
161

162 Sergeant Nakia FENNER #2306
163 Investigations Division
164 General Investigations Section

Initials: _____

INVESTIGATIONS DIVISION
General Investigations

09 January 2015
Log No.:1071280

This is the statement of Witness Police Officer Brian SCHULTZ #7950 relative to allegations that on 30 August 2014 at 2250 hours at [REDACTED]

Allegation: It is alleged that the accused Police Officer Brian MCHALE #8721 failed to secure his weapon.

Statement is being taken at the Bureau of Internal Affairs, Investigations Division, 3510 S. Michigan Avenue, Chicago, Illinois in Interview Room #1.

Questioned and
Typed by: SGT. Nakia FENNER, #2306, Unit 121

Date, Time: 09 January 2015 at 0740 hours.

SGT. FENNER: Are you accompanied by counsel/representative of your choosing and if so, identify him for the record?

P.O. SCHULTZ: Yes, Erik Borczon

SGT. FENNER: "Rule 14" of the Chicago Police Department's Rules and Regulations prohibits making false reports, whether written or oral. You may be separated from the Chicago Police Department if you make a false report. Do you understand?

P.O. SCHULTZ: Yes

SGT. FENNER: Do you understand that at the completion of this typed interview, this statement will become an official Chicago Police Department report and that any deviation from the truth could result in allegations or charges being placed against you?

P.O. SCHULTZ: Yes

SGT. FENNER: At the conclusion of this interview, I will print out this statement for your review. The purpose of the review is to provide you the opportunity to ensure that the questions and answers are correct. I will also ask you to initial each page and provide you with a copy of this interview. Is this understood?

P.O. SCHULTZ: Yes

SGT. FENNER: Please be aware that a Sworn Affidavit is not required for this case. Are you ready to give your statement at this time?

Initials: BS MF

Page 1 of 4

Log No.:1071280
Attachment No.: _____

CPD 0324929

INVESTIGATIONS DIVISION
General Investigations

09 January 2015
Log No.:1071280

47 P.O. SCHULTZ: Yes, however this statement is not being given voluntarily, but
48 under duress. I am only giving this statement because I know that
49 I will lose my job if I refuse the direct order being given to me.
50
51 SGT. FENNER: What are your full name, rank, star number and unit of
52 assignment?
53
54 P.O. SCHULTZ: Brian Schultz, Police Officer, #7950, 007
55
56 SGT. FENNER: What is your date of birth and Employee Number?
57
58 P.O. SCHULTZ: [REDACTED], Employee # [REDACTED]
59
60 SGT. FENNER: What is your date of appointment to the Department?
61
62 P.O. SCHULTZ: 25 October 2004
63
64 SGT. FENNER: How long have you been assigned to your present unit?
65
66 P.O. SCHULTZ: About 3 years.
67
68 SGT. FENNER: What was your duty status and hours of assignment on 31 August
69 2014?
70
71 P.O. SCHULTZ: I was assigned to 1st watch from 2100 – 0600.
72
73 SGT. FENNER: Did you complete and submit a Supplementary Report under RD
74 number [REDACTED]
75
76 P.O. SCHULTZ: No.
77
78 SGT. FENNER: Did you or your partner recover a firearm while patrolling the 007th
79 District on 31 August 2014?
80
81 P.O. SCHULTZ: Yes.
82
83 SGT. FENNER: What time was the firearm recovered?
84
85 P.O. SCHULTZ: I don't recall.
86
87 SGT. FENNER: What were the circumstances leading to the recovery of the
88 firearm?
89
90 P.O. SCHULTZ: We had performed a traffic stop at [REDACTED] In the course
91 of my investigation, I looked to the left and found a firearm laying
92 on the street.

Initials: JS 1st

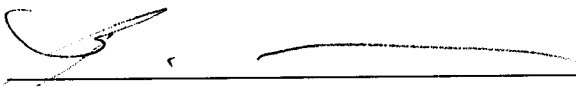
93
94 SGT. FENNER: Once you discovered the firearm, what actions did you take?
95
96 P.O. SCHULTZ: I immediately recovered the weapon and I brought it back to the
97 station.
98
99 SGT. FENNER: What address was the firearm recovered from?
100
101 P.O. SCHULTZ: [REDACTED]
102
103 SGT. FENNER: Did you learn the owner of the firearm?
104
105 P.O. SCHULTZ: Yes
106
107 SGT. FENNER: Who was the owner of the firearm?
108
109 P.O. SCHULTZ: I just know it was an officer on the Gang Team.
110
111 SGT. FENNER: Upon recovering the firearm, were all rounds accounted for?
112
113 P.O. SCHULTZ: Yes
114
115 SGT. FENNER: How did you verify the owner of the firearm?
116
117 P.O. SCHULTZ: I did not do that.
118
119 SGT. FENNER: Who verified the owner of the firearm?
120
121 P.O. SCHULTZ: The gun was turned over to my Lieutenant and after that I am not
122 sure.
123
124 SGT. FENNER: Why was the firearm turned over to the Lieutenant?
125
126 P.O. SCHULTZ: She had known that someone on the Gang Team had lost their
127 weapon earlier. She wanted to verify if it was the same.
128
129 SGT. FENNER: Who was the Lieutenant?
130
131 P.O. SCHULTZ: Lt. Skipper from 007.
132
133 SGT. FENNER: To the best of your knowledge, had the firearm being fired
134 immediately prior to you recovering the firearm?
135
136 P.O. SCHULTZ: No
137
138 SGT. FENNER: Did you observe any damage to the firearm?

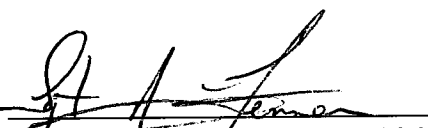
Initials: JS JS

INVESTIGATIONS DIVISION
General Investigations

09 January 2015
Log No.:1071280

139
140 P.O. SCHULTZ: No
141
142 SGT. FENNER: Did you return the firearm to its owner, Brian McHale?
143
144 P.O. SCHULTZ: No
145
146 SGT. FENNER: Who returned the firearm to its owner, Brian McHale?
147
148 P.O. SCHULTZ: I'm not sure.
149
150 SGT. FENNER: Is there anything relative to this incident that you wish to add to
151 this statement?
152
153 P.O. SCHULTZ: No
154
155 SGT. FENNER: After reading this statement consisting of 4 pages and finding it
156 contains the responses you have given, will you sign it?
157
158 P.O. SCHULTZ: Yes
159
160 SGT. FENNER: Statement concluded at 0750 hours.
161
162
163

164 
165
166 P.O. Brian SCHULTZ #7950
167 007 - Unit of Assignment
168

169
170 
171
172
173 Sergeant Nakia FENNER #2306
174 Investigations Division
175 General Investigations Section

Initials: JS _____

INVESTIGATIONS DIVISION
General Investigations

22 January 2015
Log No.:1071280

This is the statement of Accused Police Officer Brian MCHALE #8721 relative to
allegations that on 30 August 2014 at 2230 hours at [REDACTED]

Allegation: It is alleged that the accused Police Officer Brian MCHALE #8721
failed to secure his weapon.

Statement is being taken at the Bureau of Internal Affairs, Investigations Division, 3510
S. Michigan Avenue, Chicago, Illinois in Interview Room #2.

Questioned and
Typed by: SGT. Nakia FENNER #2306, Unit 121

Date, Time: 22 January 2015 at 1110 hours.

SGT. FENNER: Are you accompanied by counsel/representative of your choosing
and if so, identify him for the record?

P.O. MCHALE: Yes, Thomas Rebholz

SGT. FENNER: "Rule 14" of the Chicago Police Department's Rules and
Regulations prohibits making false reports, whether written or oral.
You may be separated from the Chicago Police Department if you
make a false report. Do you understand?

P.O. MCHALE: Yes

SGT. FENNER: Do you understand that at the completion of this typed interview,
this statement will become an official Chicago Police Department
report and that any deviation from the truth could result in
allegations or charges being placed against you?

P.O. MCHALE: Yes

SGT. FENNER: At the conclusion of this interview, I will print out this statement
for your review. The purpose of the review is to provide you the
opportunity to ensure that the questions and answers are correct. I
will also ask you to initial each page and provide you with a copy
of this interview. Is this understood?

P.O. MCHALE: Yes

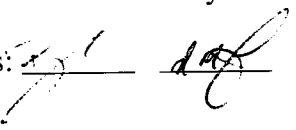
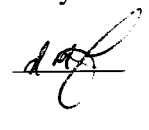
SGT. FENNER: Please be aware that a Sworn Affidavit is not required for this case.
Are you ready to give your statement at this time?

Initials: zgc anf

INVESTIGATIONS DIVISION
General Investigations

22 January 2015
Log No.:1071280

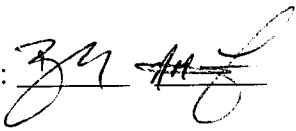

47 P.O. MCHALE: Yes, however this statement is not being given voluntarily, but
48 under duress. I am only giving this statement because I know that
49 I will lose my job if I refuse the direct order being given to me.
50
51 SGT. FENNER: What are your full name, rank, star number and unit of
52 assignment?
53
54 P.O. MCHALE: Brian MCHALE, Police Officer, #8721, 189 Narcotics Division
55
56 SGT. FENNER: What is your date of birth and Employee Number?
57
58 P.O. MCHALE: [REDACTED], Employee # [REDACTED]
59
60 SGT. FENNER: What is your date of appointment to the Department?
61
62 P.O. MCHALE: 25 February 2002
63
64 SGT. FENNER: How long have you been assigned to your present unit?
65
66 P.O. MCHALE: About 4 years.
67
68 SGT. FENNER: What was your duty status and hours of assignment on 30 August
69 2014?
70
71 P.O. MCHALE: On duty but I don't remember my hours but 3rd Watch.
72
73 SGT. FENNER: Did you lose your duty weapon on 30 August 2014 at 2230 hours?
74
75 P.O. MCHALE: Yes I did.
76
77 SGT. FENNER: What are the make, model and serial number of your lost firearm?
78
79 P.O. MCHALE: Glock, Model #21, Serial # [REDACTED]
80
81 SGT. FENNER: How did you lose your firearm?
82
83 P.O. MCHALE: I put it in my off duty holster and left it on my patrol vehicle.
84 Then I received a call on the radio. I got into the car and drove off
85 with the gun on top of the vehicle.
86
87 SGT. FENNER: Where did you lose your firearm?
88
89 P.O. MCHALE: In the area of [REDACTED]
90
91 SGT. FENNER: Once you discovered that your firearm was lost, what actions did
92 you take?

Initials:  

INVESTIGATIONS DIVISION
General Investigations

22 January 2015
Log No.:1071280

93
94 P.O. MCHALE: I attempted to look for the firearm as well as notifying my
95 Sergeant.
96
97 SGT. FENNER: Who was your sergeant?
98
99 P.O. MCHALE: Sergeant Eric CATO # 1321.
100
101 SGT. FENNER: How was the firearm recovered?
102
103 P.O. MCHALE: It was recovered by 007th district patrol officers.
104
105 SGT. FENNER: What address was the firearm recovered from?
106
107 P.O. MCHALE: In the area of [REDACTED]
108
109 SGT. FENNER: What date and time was the firearm recovered?
110
111 P.O. MCHALE: I don't remember what time but within an hour maybe.
112
113 SGT. FENNER: Who recovered the firearm?
114
115 P.O. MCHALE: 007th District beat officers.
116
117 SGT. FENNER: How did they determine that you were the owner of the firearm?
118
119 P.O. MCHALE: I don't know how they determined but I was in the 007th district
120 and notified the Watch Commander about what happened.
121
122 SGT. FENNER: Who returned the firearm to you?
123
124 P.O. MCHALE: I believe it was in the Watch Commander's custody when I got it
125 back.
126
127 SGT. FENNER: Did you observe any damage to the firearm?
128
129 P.O. MCHALE: Maybe just a scratch but no damage that would render it
130 inoperable.
131
132 SGT. FENNER: Upon recovering the firearm, were all rounds accounted for?
133
134 P.O. MCHALE: Yes.
135
136 SGT. FENNER: To the best of your knowledge, had the firearm being fired prior to
137 the officers recovering the firearm?
138

Initials:  

Page 3 of 4

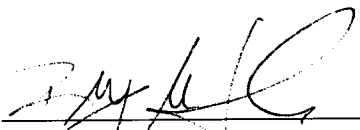
Log No.:1071280
Attachment No.: _____

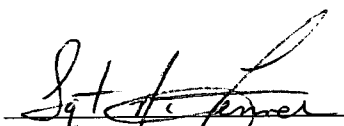
CPD 0324935

INVESTIGATIONS DIVISION
General Investigations

22 January 2015
Log No.:1071280

139 P.O. MCHALE: It had not.
140
141 SGT. FENNER: Is there anything relative to this incident that you wish to add to
142 this statement?
143
144 P.O. MCHALE: No
145
146 SGT. FENNER: After reading this statement consisting of 4 pages and finding it
147 contains the responses you have given, will you sign it?
148
149 P.O. MCHALE: Yes
150
151 SGT. FENNER: Statement concluded at 1120 hours.
152
153
154

155
156 
157 P.O. Brian MCHALE #8721
158 189 - Unit of Assignment
159

160
161
162  #2306
163 Sergeant Nakia FENNER #2306
164 Investigations Division
165 General Investigations Section
166

Initials:  _____

**DEPARTMENT APPROVED WEAPONS AND AMMUNITION**

ISSUE DATE:	27 December 2013	EFFECTIVE DATE:	27 December 2013
RESCINDS:	14 June 2012 Version		
INDEX CATEGORY:	Uniform and Personal Equipment		

I. PURPOSE

This directive:

- A. provides specifications relative to semiautomatic pistols, revolvers, subcompact semiautomatic pistols, carbines, shotguns, ammunition, pistol mounted lights, OC spray, and Tasers for sworn members.
- B. outlines the firearm transition process.
- C. delineates Department approved firearms.
- D. continues the use of:
 - 1. Certifying Statement-Firearms Form ([CPD-11.702](#)),
 - 2. Firearms Purchase Authorization/Sworn Members (CPD-31.220),
 - 3. Firearms Disposition Form (CPD-31-610),
 - 4. Firearms Registration Application (CPD-31.562),
 - 5. Affidavit of Employment ([CPD-31.563](#)),
 - 6. the Firearms Training and Certification available through ICLEAR, and
 - 7. the Firearm Loan Receipt ([CPD-63.344](#)).

II. POLICY

- A. Sworn members may only arm themselves with the firearms, ammunition, aerosol devices, pistol mounted lights, and Taser devices as specifically approved by this directive.
- B. Any other weapon as described in [720 ILCS 5/24-1](#) or [720 ILCS 5/33A-1](#) is strictly prohibited.
- C. While sworn members are permitted to carry firearms during nonduty hours, they are instructed to refrain from doing so when there is a likelihood that they will be consuming alcoholic beverages or medications which may impair their physical and/or mental abilities. Nothing in this policy statement is to be construed as diminishing a sworn member's responsibility to take appropriate police action, which can be as little as summoning the police for help, when observing a crime in progress.
- D. A sworn member will not lend his firearm to any other person nor will a sworn member possess or carry a firearm registered to another person except as authorized by the Deputy Chief, Education and Training Division. During an emergency situation, however, a sworn member may lend his firearm to another sworn member or person who has been summoned to assist him in the performance of his official duty.
- E. The Department will offer training to ensure that weapons are safely handled and used in accordance with local, state, and federal laws and Department policy.
- F. Department members must qualify annually with all prescribed, alternate prescribed, or auxiliary firearms, shotguns, Taser devices, and short-barreled revolvers prior to carrying the firearm on or off duty. The Education and Training Division will maintain a record of all weapons a Department member is approved to carry.

- G. Department members will possess a valid Firearm Owner's Identification Card (FOID).

NOTE: Members will provide proof of a valid FOID card during the annual prescribed weapon qualification.

- H. Sworn members will register all duty and nonduty firearms with the Department.

III. GENERAL INFORMATION

- A. The prescribed firearm for all sworn members hired on or before 01 December 1991 is a Department approved revolver or semiautomatic pistol. Department members hired on or before 01 December 1991 electing to carry an approved semiautomatic pistol as their prescribed firearm must first successfully complete a firearm transition process.
- B. The prescribed firearm for all sworn members hired after 01 December 1991 is a Department approved semiautomatic pistol.
- C. Department members may transition to a Department approved striker-fired semiautomatic pistol. A transition to a revolver as a prescribed firearm will not be permitted.
- D. Department members will not be required to transition to a new firing system in order to comply with this directive.
- E. Authorized Department members can access current approved Firearms Training and Certification of all members by logging onto the CLEAR system.

IV. AUTHORIZATIONS AND RESTRICTIONS FOR FIREARMS AND EQUIPMENT

The following provisions apply only to firearms intended to be used in the performance of police-related duties:

- A. Uniformed sworn members will:
 - 1. carry their prescribed firearm or alternate prescribed firearm in a Department-approved holster.
 - 2. for exposed firearms, wear a Department-approved holster attached only to the trouser or equipment belt.
 - 3. not carry more than two exposed firearms.
- B. When in citizen's dress, members will carry their firearms and extra ammunition in Department-approved holsters and ammunition carriers.
- C. The appropriate bureau chief or exempt member of the Office of the Superintendent may authorize the use of additional weapons / ammunition by specialized units within the Department. This authorization will be in the form of a To-From-Subject report. Copies of the authorization will be maintained in each bureau with one copy forwarded to the Education and Training Division.

NOTE: The To-From-Subject report will provide justification for the use of the additional weapons/ammunition and a recommended certification procedure to be administered by the Education and Training Division.

V. FIREARM TRANSITION PROCESS

- A. Department members who elect to transition from their prescribed revolver to a striker-fired semiautomatic firearm will be required to successfully complete a firearm transition process as determined by the Deputy Chief, Education and Training Division.

NOTE: Department members who elect to transition from their prescribed revolver to a semiautomatic firearm as their prescribed weapon will not be allowed to revert to the revolver as their prescribed weapon once they complete the transition process. However, Department members will be approved to utilize their revolver as an alternate prescribed weapon or auxiliary weapon upon completion of existing training.

- B. Department members who elect to transition from their prescribed CFS or DAO semiautomatic pistol to a striker-fired semiautomatic firearm will be required to successfully complete a firearm transition process as determined by the Deputy Chief, Education and Training Division.
- C. Department members who elect to carry a striker-fire semiautomatic pistol as an auxiliary or alternate weapon but do not elect to transition from their prescribed weapon must comply with all the requirements of the transition process and attend the appropriate training.

NOTE: The Education and Training Division will notify Department members when the firearm transition process is available. All transition courses will be available on a voluntary basis during off-duty hours.

VI. REPLACEMENT, TRANSFER, AND REGISTRATION OF FIREARMS; REPORTING OF LOST OR STOLEN FIREARMS/WEAPONS

- A. Legislation

1. [Chapter 430, Article 65](#) of the Illinois Compiled Statutes, known as the Firearm Owners Identification Card Act, states that no person may acquire or possess any firearm or firearm ammunition without having in his or her possession a current Firearm Owner's Identification Card (FOID).
2. Provisions of this article do not apply to law enforcement officials while engaged in their official duties.
3. However, based upon the language of the statute and case law, a law enforcement officer violates the Firearm Owner's Identification Card requirements if he or she is in possession of a firearm without a Firearm Owner's Identification Card while performing a task not related to his or her duties.

NOTE: For example, a law enforcement official who is shopping for personal groceries, regardless of duty status, is not engaged in the operation of his or her official duties, and therefore would violate the Firearm Owner's Identification Card requirements of Section 65/2 of The Firearms Owner's Identification Card Act.

4. Department policy requires all members to have a valid FOID card and possess the FOID card while on-duty.

- B. The Gun Control Act of 1968 (GCA), as amended by the Omnibus Consolidated Appropriations Act of 1997, makes it unlawful for any person convicted of a misdemeanor crime of domestic violence to ship, transport, possess, or receive firearms or ammunition. The GCA further prohibits persons from selling or otherwise disposing of a firearm or ammunition to any person known to have been convicted of a misdemeanor crime of domestic violence, or to anyone who they have reasonable cause to believe has been convicted of a misdemeanor crime of domestic violence. This prohibition does apply to all law enforcement officers.

C. Prescribed Firearms/Temporary Replacement

1. Temporary replacement of a prescribed firearm may be obtained if:
 - a. the sworn member's prescribed firearm is lost, stolen, unserviceable, or has failed to pass inspection. With the approval of the unit commander, station supervisor, designated unit supervisor, or the firearms range officer, the affected member may submit a request for a temporary replacement firearm and ammunition by submitting a To-From-Subject report approved by his or her unit commanding officer and all related documentation (such as case reports, gunsmith repair receipts, purchase orders, etc.) to the Deputy Chief, Education and Training Division.
 - b. the sworn member's prescribed firearm is to be examined by the Forensic Services Section. The member may request a temporary replacement of a prescribed firearm, if necessary, by:
 - (1) generating a To-From-Subject report requesting the temporary replacement and obtaining the station supervisor's or designated unit supervisor's written approval.
 - (2) submitting the approved To-From-Subject report, along with copies of the Tactical Response Report ([CPD-11.377](#)) and the Property Inventory Report (CPD-34.523) listing the member's prescribed firearm, to the Deputy Chief, Education and Training Division.
2. A sworn member who has been issued a temporary replacement firearm will be responsible for the proper care, maintenance, and return of the firearm to the Education and Training Division. If a member must retain the replacement firearm for more than thirty days, the member will appear in person at the Education and Training Division with the loaned firearm and submit a To-From-Subject report with the station supervisor's or designated unit supervisor's approval explaining the need for an extension.
3. The Firearm Loan Receipt ([CPD-63.344](#)) will be prepared when a replacement firearm is issued.

D. Replacement Ammunition

1. Each district is supplied 200 of the following Department-approved duty ammunition cartridges:
 - a. .38 Special +P,
 - b. 9mm,
 - c. .40 caliber S&W,
 - d. .45 caliber ACP.
 - e. 5.56mm

NOTE: Each district will be supplied with 50 rounds of OO buck shotgun ammunition.

2. The designated unit supervisor is responsible for the security and issuance of this ammunition. Additional cartridges will be requested from the Firearms Training Unit, Education and Training Division.
3. Any member, regardless of assignment, may obtain replacement ammunition for Department-issued cartridges that are lost, stolen, damaged, defective, or expended in the line of duty.
4. Whenever the replacement of ammunition is necessary, the requesting member will submit a copy of a Tactical Response Report and/or other related documentation to the designated unit supervisor from the district of occurrence.

5. The designated unit supervisor will note the number and type of ammunition issued, sign his or her name, and enter his or her rank on the reverse side of the report(s). The report(s) will be forwarded to the issuing district commander.
6. Members will follow established material requisition procedures and submit copies of the Tactical Response Report and/or related documentation when requesting replacement of expended, damaged, lost, stolen, or defective Department ammunition for the district supply.

E. Purchase of Firearms from a Dealer

1. A sworn member who elects to purchase a duty-related revolver, semiautomatic firearm, or high-capacity magazine and requests a waiver of the required waiting period will complete one copy of the Certifying Statement - Firearms form ([CPD-11.702](#)) and present it to the firearms dealer at the time of purchase.

NOTE: Firearms dealers are not required to accept the Certifying Statement-Firearms and may require a sworn member to abide by the waiting period.

2. The Certifying Statement - Firearms form will be retained by the firearm dealer as verification of the exempt status of the sworn member.

F. Sale or Transfer of Firearms Between Sworn Members

1. Department members must comply with all legal requirements before they sell, transfer, or dispose of a firearm or other deadly weapon.
2. The sale and transfer of all firearms from one sworn member to another sworn member requires the buyer and seller to possess an FOID card.
3. A member selling or transferring a firearm will complete a Firearms Disposition form (CPD 31.610) and submit the completed form to the Gun Registration Unit.
4. A member buying or receiving a firearm will:

- a. report in person to the Gun Registration Unit and complete a Firearms Purchase Authorization / Sworn Member form (CPD-31.220),

NOTE: The Firearms Purchase Authorization / Sworn Member form may only be obtained from and completed at the Gun Registration Unit.

- b. complete a Department Firearms Registration Application for the received firearm, and
- c. provide a photocopy of their CPD identification and FOID card with the Firearms Registration Application.

G. Department Firearm Registration

1. All firearms owned by a sworn member must be registered per order of the Superintendent. It is the responsibility of the sworn member owning or possessing a firearm to comply with these provisions.
2. All firearms require one-time registration.
 - a. Firearms acquired and registered with the Department prior to 09 July 2013, are not required to be re-registered.
 - b. Firearms acquired 09 July 2013, or after, or previously owned firearms that have not been registered with the Department, must be registered with the Department upon the effective date of this directive.
3. There is no registration fee for firearms owned by sworn Department members.

4. Department members are required to notify the Gun Registration Section upon any sale, replacement, transfer, loss, theft, or other registration change of the firearm.

NOTE: Loss or theft of a firearm will be reported following the procedures delineated in Item VI-I of this directive.

H. Firearm Registration Procedures

A Firearm Registration Application must be completed for each firearm to be registered.

1. Duty-Related Firearms Procedures

- a. When registering duty-related firearms, members will comply with all of the instructions stated on the reverse side of the Firearm Registration Application. In addition, a member registering only a duty-related firearm(s) will:
- (1) enter "CPD" and his or her unit number of assignment on the "A" and "C" portions of the application in the box entitled "Business Address."
 - (2) submit the completed Firearm Registration Application to the member's designated unit supervisor.
 - (3) submit an Affidavit of Employment ([CPD-31.563](#)) with the Firearms Registration Application if the member is a probationary police officer.
 - (4) upon the return of the approved application from the designated unit supervisor, forward the application via intradepartmental mail to the Gun Registration Unit.
- b. The designated unit supervisor will review Firearm Registration Applications for duty-related firearms only to verify that:
- (1) the named applicant is a sworn member of the Department,
 - (2) all instructions have been followed and that the necessary attachments have been submitted, and
 - (3) the firearm listed on the application is a Department approved duty-related firearm.

NOTE: The designated unit supervisor will attest to the information listed above by signing their name, star number, and unit of assignment in the appropriate space of the "D" portion of the application.

2. Non-duty-Related Firearms Procedures

- a. When registering non-duty-related firearms, members will comply with all of the instructions stated on the reverse side of the Firearm Registration Application.
- b. Members registering a non-duty-related firearm will submit the completed Firearm Registration Application, a copy of their valid FOID card, and a copy of CPD Identification directly to the Gun Registration Unit. Intradepartmental mail may be used. **Do not separate the Firearms Registration Application(s).**
- c. Certificates of Registration for non-duty-related firearms will be returned directly to the registering member.

I. Reporting Requirements – Loss or Theft of Firearms / Weapons

1. Responsibilities of Members Reporting the Loss or Theft of Firearms / Weapons

- a. If the loss or theft of a firearm or weapon occurs within the City of Chicago, the member will promptly report the incident to the Department. The member preparing the case report will:
 - (1) complete the appropriate case report in accordance with existing Department procedures.
 - (2) ensure that an Administrative Message Center (AMC) message is sent and that the AMC message number is included in the narrative portion of the case report.
 - (3) indicate "Extra Copies Required" with the notation "one copy to Gun Registration."
- b. If the incident occurs outside the corporate boundaries of the City of Chicago, the member will:
 - (1) promptly report the incident to the law enforcement agency having jurisdiction.
 - (2) immediately notify Alternate Response Section (ARS) or the Office of Emergency Management and Communications (OEMC) upon return to the City of Chicago. The OEMC will assign a beat officer who will prepare a General Offense Case Report (CPD-11.380) using Offense Code 5081 (Other Non-Criminal Service Concerning Property) as the primary classification. The beat of occurrence will be shown as 3100 for incidents occurring outside the corporate boundaries of the City of Chicago. The beat of occurrence will be shown as 4100 for incidents occurring outside of the State of Illinois. The narrative portion of the case report will include:
 - (a) an account of the incident.
 - (b) the manufacturer, model, and serial number of the firearm / weapon.
 - (c) the responsible agency's incident or case report number and the LEADS/NCIC number.
 - (d) indication of "Extra Copies Required;" "one copy to Gun Registration."

2. Responsibilities of Supervisory / Command Members

Whenever a reported criminal incident involves a firearm or weapon owned by the Department or a firearm or weapon for which the Department is responsible, supervisory / command members will ensure that:

- a. CPIC is notified.
- b. a copy of the case report and related documentation is forwarded to both the First Deputy Superintendent and the Deputy Chief, Education and Training Division.
- c. if the member is unable to report the loss or theft of firearms/weapons, the first on-duty supervisor having knowledge of the occurrence will assume the initial reporting responsibility.

VII. INTERSTATE TRANSPORT OF FIREARMS OR AMMUNITION

- A. A sworn member whose duty assignment involves the interstate transport of a person in custody or otherwise requires them to be armed while traveling outside of the State of Illinois will conform to federal, state, and local laws.

- B. A sworn member will ascertain and comply with the regulations governing the possession and transportation of firearms/ammunition while using a public common carrier.
- C. Off duty sworn members will comply with all federal, state, and local jurisdictional regulations pertaining to possession and transportation of firearms and ammunition when traveling outside the State of Illinois.

VIII. INSPECTION

- A. Supervising sworn members will ensure that:
 - 1. firearms carried on duty are regularly inspected for cleanliness and serviceability.
 - 2. only Department-approved ammunition is used and in serviceable condition.
- B. Manual inspection of a semiautomatic pistol can only be performed by a supervisor who has completed the Roll Call Pistol Procedure Class offered by the Education and Training Division.
- C. Roll call firearms inspection will be conducted each Wednesday.

IX. FIREARM SAFETY CENTER AND BALLISTIC CLEARING STATION

- A. The firearm safety center and ballistic clearing station are free-standing units constructed of ballistic material with a compartment containing a removable ballistic lining. The safety center and clearing station are manufactured and designed to contain a fired projectile and prevent potential injury or “ricochet” in the event of an unintentional discharge.
 - 1. The firearm safety center **will only be** used to load and unload handguns.

NOTE: The firearm safety center **will not be** used to load and unload Department shotguns, rifles, or carbines.
 - 2. The ballistic clearing station **will be used** to load and unload Department shotguns, rifles, or carbines.
- B. The firearm safety center will be utilized by only one member at a time:
 - 1. to load and unload personal duty-related pistols and/or revolvers during the weekly inspection of firearms.
 - 2. whenever it becomes necessary for a member to load or unload his or her personal duty firearm while in a police facility equipped with a firearm safety center.
 - 3. to unload any handgun taken into custody. If a member is unable to render the firearm safe, the member will follow the procedures outlined in the Department directive entitled “**Firearms Taken Into Custody Or Turned In.**”
- C. All district stations and any other police facility designated by the Chief, Bureau of Organizational Development, will be equipped with a firearm safety center and ballistic clearing station.
- D. District/unit commanding officers will identify a location within the police facility for the placement of the firearm safety center and ballistic clearing station. The location will be readily accessible to sworn members (e.g., roll call rooms).
- E. Inspection of the firearm safety center and ballistic clearing station will be conducted at the beginning of each tour of duty by the station supervisor or designee.
- F. In the event of an unintentional discharge inside the firearm safety center or ballistic clearing station, the documentation procedures enumerated in the Department directive entitled “**Weapon Discharge Incidents Involving Sworn Members**” will be followed. In addition, the following procedures will be followed:
 - 1. The member responsible for the discharge will complete a Tactical Response Report (TRR) (CPD-11.377).

2. The member's supervisor will review the TRR for legibility and completeness and indicate approval of such by signing in the appropriate box.
3. The "Watch Commander / OCIC" section of the TRR will be completed in the following manner:
 - a. If no person is injured or killed as a result of the unintentional discharge, the district executive officer or district commander will complete this section. The district executive officer or district commander will:
 - (1) indicate that further investigation is required.
 - (2) ensure that:
 - (a) A Complaint Register (CR) initiation report is prepared.
 - (b) The original of the TRR is attached to the initiation report and forwarded directly to the Independent Police Review Authority.
 - b. If a person is injured or killed as a result of the unintentional discharge:
 - (1) the appropriate area deputy chief, Bureau of Patrol, area executive officer, Bureau of Patrol, or / On-Call Incident Commander, will complete "Watch Commander / OCIC" section, return the completed TRR to the station supervisor conducting the preliminary investigation, and ensure that a CR initiation report is prepared.
 - (2) the designated unit supervisor will ensure that the original of the TRR is attached to the original of the case report documenting the firearm discharge and forwarded through normal channels
- G. Any damage to the firearm safety center or ballistic clearing station which is not firearm related will be reported in accordance with existing procedures.
- H. Regardless of the type of damage to the firearm safety center or ballistic clearing station, the designated unit supervisor will:
 1. immediately take the firearm safety center or ballistic clearing station out of service.
 2. notify the Firearms Training Unit.
- I. The Firearms Training Unit will:
 1. conduct a thorough inspection of the firearm safety center or ballistic clearing station.
 2. determine whether repair or replacement of any damaged part(s) is necessary.
- J. Members will refrain from using a damaged firearm safety center or ballistic clearing station until repairs have been completed and written authorization from the Firearms Training Unit to resume use has been received by the district commander or unit commanding officer. If necessary, a member requiring the use of a firearm safety center or ballistic clearing station will utilize one in a nearby district or unit.

X. PRESCRIBED DUTY WEAPON LOCKING DEVICE

- A. Sworn Department members will secure their prescribed duty firearm when the prescribed duty firearm is not on their person.

- B. Sworn members are encouraged to secure any/all other firearms which may be in their possession or under their control as mandated by Illinois Compiled Statute (ILCS) entitled "Firearms; Child Protection" (720 ILCS 5/24-9).

NOTE: Effective 1 January 2000, 720 ILCS 5/24-9 "Firearms; Child Protection," states that a firearm must be secured when the likelihood exists that a minor under the age of 14 could gain unlawful access to the firearm. Department policy regarding the securing of a sworn member's prescribed duty firearm is more restrictive.

- C. Sworn Department members not carrying their prescribed duty firearm on their person and not having an alternate means to secure the prescribed duty firearm will place a locking device on their prescribed duty firearm.

NOTE: Sworn Department members may secure their prescribed duty firearm in a locked box/container or secured in another location that a reasonable person would believe will prohibit access to the prescribed duty firearm by unapproved individuals and meet the requirements of [720 ILCS 5/24-9](#).

- D. The Deputy Chief, Education and Training Division, will ensure that Department members receive annual instruction during the Prescribed Weapon Qualification Program on proper procedures for securing their prescribed duty firearm.

XI. DEPARTMENT SPECIAL WEAPONS AND EQUIPMENT

- A. The First Deputy Superintendent, the Chief, Bureau of Patrol, the Chief, Bureau of Detectives, the Chief, Bureau of Organized Crime, and the Chief, Bureau of Organizational Development may authorize the deployment of Department special weapons for use by selected units within their respective bureaus.
- B. Special weapons will only be issued to sworn members who are certified by the Education and Training Division or the Special Weapons and Tactics (SWAT) Unit in the use of special weapons. Sworn members may be issued only those special weapons for which they are certified.
- C. The SWAT Unit will field Special Operations Response Teams (SORT) trained and equipped with special weapons.
- D. Department special weapons include, but are not limited to:
1. rifles, carbines, shotguns, and submachine guns;
 2. chemical agents, smoke dispensing devices and their launchers, impact munitions, and distraction devices.

NOTE: Department special weapons do not include person aerosol chemical devices, Taser devices, or batons.

XII. DEPARTMENT ARSENAL

- A. Department weapons and ammunition will be stored in the Department Arsenal.

EXCEPTION: A limited quantity of Department special weapons and ammunition will be maintained at each designated unit.

- B. The Firearms Training Unit, Education and Training Division, will:
1. provide for the repair and maintenance of all Department-owned weapons with the exception of routine cleaning and oiling.
 2. provide replacement shotguns when available for unit shotguns that are stolen, lost, or under repair.

3. train Department members who are certified in the use of special weapons to fulfill basic weapon maintenance requirements.
4. supply the firearm ranges with necessary firearms/weapons, ammunition, targets, or other related supplies and equipment.
5. conduct and file a Department-wide inventory and maintenance inspection report of all Department firearms / weapons, equipment, and ammunition. This report will be submitted to the Deputy Chief, Education and Training Division.
6. perform other designated technical duties.

XIII. ARSENAL COMMITTEE

- A. The Arsenal Committee will be composed of the following members:
 1. Voting Members:
 - a. Deputy Chief, Education and Training Division;
 - b. Director, Research and Development Division; or designee,
 - c. Range Master, Education and Training Division;
 - d. Firearms Technician, Forensic Services Section;
 - e. Chief, Bureau of Patrol or designee.
 - f. A sworn member of the Management and Labor Affairs Section;
 - g. A sworn member from the Special Weapons and Tactics (SWAT) team.
 2. Non-Voting Members:
 - a. A member from the Office of Legal Affairs;
 - b. In-service Training Sergeant, Education and Training Division;
 - c. A sworn member of the Research and Development Division.
- B. The Deputy Chief, Education and Training Division, will serve as Chair of the Arsenal Committee.
- C. The Director, Research and Development Division, will serve as Vice-Chair.
- D. Committee members who determine there is a need for a meeting will communicate with the Chair. Committee meetings will convene upon notification from the Chair during normal business hours where practicable.
- E. A sworn member of the Research and Development Division will attend all meetings, serve as secretary to the committee, and provide official liaison between the committee and retailers, manufacturers, and other suppliers of weapons and related equipment.
- F. Committee affairs will be conducted only when a quorum of the membership is present. A quorum will consist of at least four committee members of which one will be the Chair or Vice-Chair. Issues will be voted upon by all the present committee members.
- G. Responsibilities of the Arsenal Committee include:
 1. development of weapon specifications for the Department.
 2. conducting research and evaluating weapons and/or ammunition for possible use by Department members.
 3. making recommendations to the Superintendent relative to the adoption or discontinuation of weapons and/or ammunition for use by Department members.

(Items indicated by italics/double underline were added or revised.)

Authenticated by: JKH

Garry F. McCarthy
Superintendent of Police

13-090 AMR

GLOSSARY TERMS:

1. **Prescribed Firearm**
A required firearm which must be used/carried by a sworn officer
2. **Alternate Prescribed Firearm**
A firearm which may be used/carried by a sworn officer in lieu of a prescribed firearm.
3. **Alternate Prescribed Firearm Only**
A firearm which may be used/carried by a sworn officer in lieu of a prescribed firearm that can only qualify as an alternate prescribed firearm.
4. **Auxiliary Firearm**
A firearm which may be used or carried by a sworn officer in addition to a prescribed or alternate prescribed firearm.
5. **Police Carbine Operator Program**
The overall program developed by the Department for the approval, procurement, training, security, issuance, use, and maintenance of Department-approved carbines.
6. **Carbine Operator Course**
A voluntary five-day course members must initially pass to be qualified to participate in the Police Carbine Operator Program.
7. **Carbine Operator Requalification Course**
A block of training required for members in the Police Carbine Operator Program. This course is taken subsequent to the Carbine Operator Course and must be completed to maintain qualification.

8. **Carbine Familiarization Course**
A block of instruction relative to the safe handling, loading, and unloading of the carbine as well as placement and removal from gun racks and locks.
9. **Personal Carbine Operator Zeroing Course**
A block of instruction required for police carbine operators who own personal carbines that must be zeroed before approval for duty use.
10. **Carbine**
A short-barreled, lightweight semiautomatic rifle.
11. **Police Carbine Operator**
A member trained by the Department to be armed with a carbine while assigned to routine field duties.
12. **Arm/Arming**
Removing a carbine from a Department vehicle and chambering a round.
13. **Deployment**
The act of issuing / placing a carbine into a Department vehicle gun lock for duty.
14. **Tactical Sling**
A device used to carry the rifle in a hung position in front of the body.
15. **Zero/Zeroed**
At a prescribed distance, the point of aim is aligned with the point of bullet impact.
16. **ChamberSafe®**
A high-visibility device, normally orange in color, used to readily identify, from a distance, that a rifle chamber is empty and safe.
17. **Personal Carbine**
A duty carbine purchased, registered, and owned by a member participating in the Police Operator Carbine Program.
18. **Optical Sighting System**

A device mounted or attached to a rifle that assists a shooter with quick target acquisition. An optical sighting system is **NOT a laser sight**.

ADDENDA:

1. U04-02-01 - Department Approved Semiautomatic Pistols and Ammunition
2. U04-02-02 - Department Approved Revolvers and Ammunition
3. U04-02-03 - Personal Oleoresin Capsicum (OC) Devices
4. U04-02-04 - Taser Devices
5. U04-02-05 - Police Carbine Operator Program
6. U04-02-06 - Department Approved Auxiliary Subcompact Semiautomatic Pistols and Ammunition
7. U04-02-07 - Semiautomatic Pistol-Mounted Lights
8. U04-02-08 - Department Approved Shotguns
9. U04-02-09 - Expandable Baton

BUREAU OF INTERNAL AFFAIRS
RECORDS SECTION

26 JAN .2015

TO: COMMANDING OFFICER OF UNIT 121
FROM: RECORDS SECTION
BUREAU OF INTERNAL AFFAIRS
SUBJECT: PREVIOUS DISCIPLINARY RECORD OF:

MC HALE	BRIAN	8721	189
NAME	(LAST, FIRST, M.I.)	STAR	UNIT
M	WHI		
SEX	RACE	EMP.#	

REFERENCE: COMPLAINT REGISTER NUMBER (S) 1071 280

THE PREVIOUS DISCIPLINARY RECORD OF THE SUBJECT ACCUSED HAS BEEN REQUESTED IN YOUR NAME BY:

SGT. N.	FENNER	2306		121
RANK	NAME	STAR	EMP#	UNIT

RELATIVE TO A SUSTAINED FINDING IN THE INVESTIGATION OF THE ABOVE REFERENCE COMPLAINT REGISTER NUMBER.

THE RECORD SECTION, BUREAU OF INTERNAL AFFAIRS, DISCLOSES THE FOLLOWING DISCIPLINARY ACTION (S) ADMINISTERED TO THE SUBJECT ACCUSED, FOR THE PAST FIVE (5) YEARS.

VERIFIED/PREPARED BY:

FOR: S.D.E.O Patricia JOHNSON/WALKER
COMMANDING OFFICER
RECORDS SECTION
BUREAU OF INTERNAL AFFAIRS

No CR History
No SPAR History

Report Date: 26 Jan 2015

Report Time: 1103 Hrs

Chicago Police Department

Personnel Division

**Only for active personnel*



Information Services Division

Data Warehouse

Produced by: [REDACTED]

Complimentary History

Name	Title	Star	Unit	Detail Unit	Emp Number
MCHALE, BRIAN J	9161	8721	189		[REDACTED]

Achievements

Total No.

PRESIDENTIAL ELECTION DEPLOYMENT AWARD 2008	1
UNIT MERITORIOUS PERFORMANCE AWARD	1
DEPARTMENT COMMENDATION	7
EMBLEM OF RECOGNITION - PHYSICAL FITNESS	9
ATTENDANCE RECOGNITION AWARD	2
2004 CRIME REDUCTION RIBBON	1
HONORABLE MENTION	37
COMPLIMENTARY LETTER	3
DEPLOYMENT OPERATIONS CENTER AWARD	5
2009 CRIME REDUCTION AWARD	1
NATO SUMMIT SERVICE AWARD	1
TOTAL AWARDS	68

CR# [REDACTED]

NOTE: THIS REPORT IS FOR OFFICIAL LAW
ENFORCEMENT / AUTHORIZED USE ONLY.
THE INFORMATION IS CURRENT AS OF THE
DATE AND TIME OF THE REPORT. THIS

1 This is the statement of Witness Police Officer Alicja BOCHENEK #11386 relative to
2 allegations that on 30 August 2014 at 2250 hours at [REDACTED]
3 [REDACTED]

4
5 Allegation: It is alleged that the accused Police Officer Brian MCHALE #8721
6 failed to secure his weapon.
7
8

9 Statement is being taken at the Bureau of Internal Affairs, Investigations Division, 3510
10 S. Michigan Avenue, Chicago, Illinois in Interview Room #1.
11

12 Questioned and
13 Typed by: SGT. Nakia FENNER, #2306, Unit 121
14

15 Date, Time: 09 January 2015 at 0725 hours.
16

17 SGT. FENNER: Are you accompanied by counsel/representative of your choosing
18 and if so, identify him for the record?
19

20 P.O. BOCHENEK: Yes, [REDACTED]
21

22 SGT. FENNER: "Rule 14" of the Chicago Police Department's Rules and
23 Regulations prohibits making false reports, whether written or oral.
24 You may be separated from the Chicago Police Department if you
25 make a false report. Do you understand?
26

27 P.O. BOCHENEK: Yes
28

29 SGT. FENNER: Do you understand that at the completion of this typed interview,
30 this statement will become an official Chicago Police Department
31 report and that any deviation from the truth could result in
32 allegations or charges being placed against you?
33

34 P.O. BOCHENEK: Yes
35

36 SGT. FENNER: At the conclusion of this interview, I will print out this statement
37 for your review. The purpose of the review is to provide you the
38 opportunity to ensure that the questions and answers are correct. I
39 will also ask you to initial each page and provide you with a copy
40 of this interview. Is this understood?
41

42 P.O. BOCHENEK: Yes
43

44 SGT. FENNER: Please be aware that a Sworn Affidavit is not required for this case.
45 Are you ready to give your statement at this time?
46

47 P.O. BOCHENEK: Yes, however this statement is not being given voluntarily, but
48 under duress. I am only giving this statement because I know that
49 I will lose my job if I refuse the direct order being given to me.
50
51 SGT. FENNER: What are your full name, rank, star number and unit of
52 assignment?
53
54 P.O. BOCHENEK: Alicja BOCHENEK, Police Officer, #11386, 007
55
56 SGT. FENNER: What is your date of birth and Employee Number?
57
58 P.O. BOCHENEK: 26 May 1979, Employee # [REDACTED]
59
60 SGT. FENNER: What is your date of appointment to the Department?
61
62 P.O. BOCHENEK: 29 August 2005
63
64 SGT. FENNER: How long have you been assigned to your present unit?
65
66 P.O. BOCHENEK: 3 years
67
68 SGT. FENNER: What was your duty status and hours of assignment on 31 August
69 2014?
70
71 P.O. BOCHENEK: On duty from 2100 - 0600
72
73 SGT. FENNER: Did you complete and submit a Supplementary Report under RD
74 number [REDACTED]?
75
76 P.O. BOCHENEK: Yes
77
78 SGT. FENNER: Did you or your partner recover a firearm while patrolling the 007th
79 District on 31 August 2014?
80
81 P.O. BOCHENEK: Yes
82
83 SGT. FENNER: What time was the firearm recovered?
84
85 P.O. BOCHENEK: I don't recall.
86
87 SGT. FENNER: What were the circumstances leading to the recovery of the
88 firearm?
89
90 P.O. BOCHENEK: Traffic stop
91
92 SGT. FENNER: How did you or your partner discover the firearm?

93
94 P.O. BOCHENEK: We conducted a traffic stop and the gun was laying on the street
95 next to the car we were stopping.
96
97 SGT. FENNER: Once you discovered the firearm, what actions did you take?
98
99 P.O. BOCHENEK: We took it all into the 007th District
100
101 SGT. FENNER: What address was the firearm recovered from?
102
103 P.O. BOCHENEK: [REDACTED]
104
105 SGT. FENNER: What type of location was the firearm recovered from?
106
107 P.O. BOCHENEK: On the street.
108
109 SGT. FENNER: Did you learn the owner of the firearm?
110
111 P.O. BOCHENEK: Not until we were in the station.
112
113 SGT. FENNER: Who was the owner of the firearm?
114
115 P.O. BOCHENEK: Officer Brian McHale.
116
117 SGT. FENNER: How did you verify the owner of the weapon?
118
119 P.O. BOCHENEK: My Sergeant took the weapon and they had knowledge of the
120 officer losing the weapon.
121
122 SGT. FENNER: Upon recovering the firearm, were all rounds accounted for?
123
124 P.O. BOCHENEK: Yes.
125
126 SGT. FENNER: To the best of your knowledge, had the firearm been fired
127 immediately prior to you recovering the firearm?
128
129 P.O. BOCHENEK: No.
130
131 SGT. FENNER: Did you observe any damage to the firearm?
132
133 P.O. BOCHENEK: No.
134
135 SGT. FENNER: Did you return the firearm to its owner, Brian McHale?
136
137 P.O. BOCHENEK: No. I gave it to my Sergeant.
138

INVESTIGATIONS DIVISION
General Investigations

09 January 2015
Log No.:1071280

139 SGT. FENNER: Is there anything relative to this incident that you wish to add to
140 this statement?
141

142 P.O. BOCHENEK: No
143

144 SGT. FENNER: After reading this statement consisting of 4 pages and finding it
145 contains the responses you have given, will you sign it?
146

147 P.O. BOCHENEK: Yes
148

149 SGT. FENNER: Statement concluded at 0732 hours.
150
151
152
153
154

155 _____
P.O. Alicja BOCHENEK #11386
156 007 - Unit of Assignment
157
158
159
160
161

162 _____
Sergeant Nakia FENNER #2306
163 Investigations Division
164 General Investigations Section

Bureau of Internal Affairs
Investigations Division
General Investigations Section


26 January 2015
Log# 1071280

TO: Commanding Officer
Investigations Division
General Investigations Section

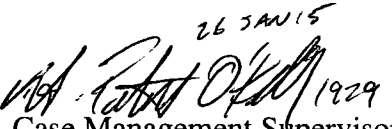
FROM: Sergeant Nakia Fenner #2306
Investigations Division
General Investigations Section

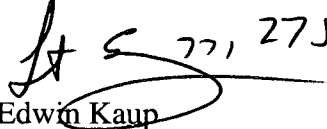
SUBJECT: Approval of Log Investigation Log # 1071280

The attached log investigation has been completed and is submitted for your approval.


Sergeant Nakia Fenner #2306
Investigations Division
General Investigations Section

APPROVED:


26 JAN 15
Case Management Supervisor
Investigations Division
General Investigations Section


771 27 Jan 15
Edwin Kaup
Lieutenant
General Investigations Section

SUMMARY REPORT

CHICAGO POLICE DEPARTMENT

LOG NO
1071280

TYPE
CR

DATE OF REPORT
26-JAN-2015

TO: DEPUTY SUPERINTENDENT, BUREAU OF PROFESSIONAL STANDARDS
ATTENTION: CHIEF, INTERNAL AFFAIRS DIVISION

FROM - INVESTIGATOR'S NAME	RANK	STAR NO	EMPLOYEE NO	UNIT ASSIGNED	UNIT DETAILED
FENNER, NAKIA	9171	2306		121	

REFERENCE NOS.(LIST ALL RELATED C.L., C.B., I.R., INVENTORY NOS., ETC., PERTINENT OF THIS INVESTIGATION)

INCIDENT ADDRESS: 5700 S. LOOMIS BLVD, CHICAGO, IL 60636	DATE / TIME: 30-AUG-2014 22:08	BEAT: 713
--	--------------------------------	-----------

ACCUSED

NAME	RANK	STAR NO	EMP NO	UNIT ASSIGNED	UNIT DETAILED	SEX/RACE	DOB	APPOINTED DATE	ON DUTY ?	SWORN ?
MCHALE, BRIAN J	9161	8721		189		M / WHI		25-FEB-2002	YES	YES

REPORTING PARTY

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
	RANK: 9171, STAR NO: 1321, EMP NO:			M / BLK	/ 48

VICTIMS

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
------	----------	------------	-----------	------------	-----------

WITNESSES

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
	RANK: 9171, STAR NO: 1321, EMP NO:			M / BLK	/ 48
	RANK: 9161, STAR NO: 11386, EMP NO:			F / WHI	/ 35
	RANK: 9161, STAR NO: 7950, EMP NO:			M / WHI	/ 33

* IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

ALLEGATIONS

** SEE LAST PAGE FOR INSTRUCTIONS FOR STATING ALLEGATIONS, AND COMPLETING THE REMAINDER OF THE SUMMARY REPORT.

Complaint Log "Type" is classified **CR** – Sworn Affidavit is not required.

Accused: Police Officer Brian MCHALE, #8721, Unit 189

Allegation: On 30 August 2014 at 2230 hours at [REDACTED] the reporting party Sgt. Eric Cato #1321 alleges that the accused police officer Brian MCHALE #8721 failed to secure his weapon.

SUMMARY REPORT
General Investigations Section

CL [REDACTED]

SUMMARY:

This complaint was initiated by Sgt Eric CATO #1321 who submitted an Initiation Report which alleged that the accused police officer Brian MCHALE #8721 failed to secure his weapon on 30 August 2014. Since the reporting party is a sergeant, a sworn affidavit is not required for this case. R/S reviewed the initiation report and the case report, which stated that the accused police officer MCHALE was on duty in the 007th district when he placed his duty weapon on top of the police vehicle and then drove the vehicle with the weapon on top, subsequently causing the weapon to fall off. Shortly thereafter, the weapon was recovered by Beat 713R without incident and the weapon was immediately returned to the accused [REDACTED] (Attachments 3, 4, 5)

Statements were taken from two witnesses, Police Officer Alicja Bochenek #11386 and Police Officer Brian Schultz #7950, at the Bureau of Internal Affairs on 09 January 2015. Both officers related that they recovered the firearm in the area of [REDACTED] and the firearm was turned in to a 007th district supervisor, who later returned the firearm to [REDACTED] (Attachments 9, 10)

Accused police officer Brian MCHALE #8721 was served and his statement was taken on 22 January 2015 at the Bureau of Internal Affairs. According to his statement, [REDACTED] related that he placed his duty weapon on top of the police vehicle and drove the vehicle with the weapon on top, thereby causing the weapon to fall off. (Attachment 11)

Based upon this investigation and the evidence gathered, R/S has determined that there is substantial evidence to support the allegation, therefore the allegation will be classified as SUSTAINED.

FINDING:

Accused: Police Officer Brian MCHALE #8721

Allegation: SUSTAINED – Violation of Rule 6 – Disobedience of an order or directive, whether written or oral.

It has been determined that on 30 August 2014 at 2230 hours at 5700 S Loomis the accused Police Officer Brian MCHALE #8721 failed to secure his weapon when he placed his duty weapon on top of the patrol vehicle and then drove the vehicle with the weapon on top, subsequently causing the weapon to fall off the vehicle, in violation of Department directive [REDACTED]

SUMMARY REPORT
General Investigations Section

CL [REDACTED]

RECOMMENDATION:

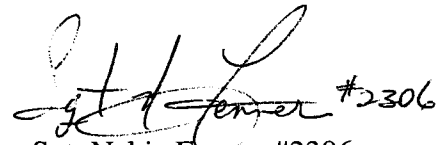
Accused: Police Officer Brian MCHALE #8721

After reviewing the Complimentary and Disciplinary History of the accused police officer, R/S recommends that the accused police officer be suspended from the Police Department for **10 days**.

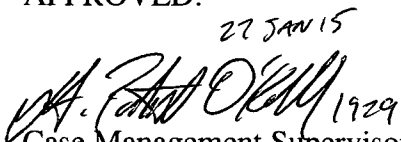
Date Initiated: 23 September 2014

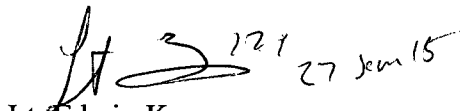
Date Completed: 26 January 2015

Elapsed Time: 125


Sgt. Nakia Fenner #2306
Investigations Section
General Investigations Section

APPROVED:

27 JAN 15

Case Management Supervisor
Investigations Division
General Investigations Section


Lt. Edwin Kaup
Investigations Division
General Investigations Section

Attachments

CL [REDACTED]

No.	Type	Related Person	No. of Pages	Narrative
1	FACE SHEET	N/A		
2	CONFLICT CERTIFICATION	N/A		
3	SWORN AFFIDAVIT FROM COMPLAINANT	N/A	1	NOT REQUIRED
4	INITIATION REPORT	OTHER INV. PARTY - CATO, ERIC	1	
5	GENERAL OFFENSE CASE REPORT	N/A	2	
6	WITNESS NOTIFICATION FOR BOCHENEK, ALICJA	WITNESS - BOCHENEK, ALICJA		
7	WITNESS NOTIFICATION FOR SCHULTZ, BRIAN	WITNESS - SCHULTZ, BRIAN		
8	ACCUSED NOTIFICATION OF ALLEGATIONS FOR MCHALE, BRIAN	ACCUSED - MCHALE, BRIAN		
9	STATEMENT OF POLICE OFFICER	OTHER INV. PARTY - BOCHENEK, ALICJA	4	
10	STATEMENT OF POLICE OFFICER	OTHER INV. PARTY - SCHULTZ, BRIAN	4	
11	STATEMENT OF POLICE OFFICER	ACCUSED - MCHALE, BRIAN	4	
12	DEPARTMENT DIRECTIVE OR GENERAL ORDER	N/A	14	[REDACTED]
13	DISCIPLINARY HISTORY	ACCUSED - MCHALE, BRIAN	1	NO HISTORY
14	COMPLIMENTARY HISTORY	ACCUSED - MCHALE, BRIAN	1	68 AWARDS

Bureau of Internal Affairs
Investigations Division
General Investigations Section


06 March 2015
Log# 1071280

TO: Commanding Officer
Investigations Division
General Investigations Section


FROM: Sergeant Nakia Fenner #2306
Investigations Division
General Investigations Section

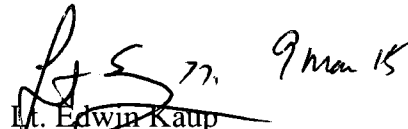
SUBJECT: Approval of Log Investigation Log # 1071280

The attached log investigation has been completed and is submitted for your approval.


Sergeant Nakia Fenner #2306
Investigations Division
General Investigations Section

APPROVED:

06 MAR 15

Case Management Supervisor
Investigations Division
General Investigations Section


Lt. Edwin Kaup
Investigations Division
General Investigations Section

SUMMARY REPORT

CHICAGO POLICE DEPARTMENT

LOG NO
1071280

TYPE
CR

DATE OF REPORT
06-MAR-2015

TO: DEPUTY SUPERINTENDENT, BUREAU OF PROFESSIONAL STANDARDS
ATTENTION: CHIEF, INTERNAL AFFAIRS DIVISION

FROM - INVESTIGATOR'S NAME	RANK	STAR NO	EMPLOYEE NO	UNIT ASSIGNED	UNIT DETAILED
FENNER, NAKIA	9171	2306		121	

REFERENCE NOS.(LIST ALL RELATED C.L., C.B., I.R., INVENTORY NOS., ETC., PERTINENT OF THIS INVESTIGATION)

INCIDENT ADDRESS:		DATE / TIME: 30-AUG-2014 22:08	BEAT: 713
-------------------	--	--------------------------------	-----------

ACCUSED

NAME	RANK	STAR NO	EMP NO	UNIT ASSIGNED	UNIT DETAILED	SEX/RACE	DOB	APPOINTED DATE	ON DUTY ?	SWORN ?
MCHALE, BRIAN J	9161	8721		189		M / WHI		25-FEB-2002	YES	YES

REPORTING PARTY

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
CATO, ERIC	RANK: 9171, STAR NO: 1321, EMP NO:			M / BLK	/ 48

VICTIMS

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
------	----------	------------	-----------	------------	-----------

WITNESSES

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
CATO, ERIC	RANK: 9171, STAR NO: 1321, EMP NO:			M / BLK	/ 48
BOCHENEK, ALICJA	RANK: 9161, STAR NO: 11386, EMP NO:			F / WHI	35
SCHULTZ, BRIAN	RANK: 9161, STAR NO: 7950, EMP NO:			M / WHI	33

* IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

ALLEGATIONS

** SEE LAST PAGE FOR INSTRUCTIONS FOR STATING ALLEGATIONS, AND COMPLETING THE REMAINDER OF THE SUMMARY REPORT.

Complaint Log "Type" is classified **CR** – Sworn Affidavit is not required.

Accused: Police Officer Brian MCHALE, #8721, Unit 189

Allegation: On 30 August 2014 at 2230 hours at [REDACTED] the reporting party Sgt. Eric Cato #1321 alleges that the accused police officer Brian MCHALE #8721 failed to secure his weapon.

SUMMARY REPORT
General Investigations Section

CL [REDACTED]

SUMMARY:

This complaint was initiated by Sgt Eric CATO #1321 who submitted an Initiation Report which alleged that the accused police officer Brian MCHALE #8721 failed to secure his weapon on 30 August 2014. Since the reporting party is a sergeant, a sworn affidavit is not required for this case. R/S reviewed the initiation report and the case report, which stated that the accused police officer MCHALE was on duty in the 007th district when he placed his duty weapon on top of the police vehicle and then drove the vehicle with the weapon on top, subsequently causing the weapon to fall off. Shortly thereafter, the weapon was recovered by Beat 713R without incident and the weapon was immediately returned to the accused MCHALE. (Attachments 3, 4, 5)

Statements were taken from two witnesses, Police Officer Alicja Bochenek #11386 and Police Officer Brian Schultz #7950, at the Bureau of Internal Affairs on 09 January 2015. Both officers related that they recovered the firearm in the area of [REDACTED] and the firearm was turned in to a 007th district supervisor, who later returned the firearm to MCHALE. (Attachments 9, 10)

Accused police officer Brian MCHALE #8721 was served and his statement was taken on 22 January 2015 at the Bureau of Internal Affairs. According to his statement, MCHALE related that he placed his duty weapon on top of the police vehicle and drove the vehicle with the weapon on top, thereby causing the weapon to fall off. (Attachment 11)

Based upon this investigation and the evidence gathered, R/S has determined that there is substantial evidence to support the allegation, therefore the allegation will be classified as SUSTAINED.

FINDING:

Accused: **Police Officer Brian MCHALE #8721**

Allegation: **SUSTAINED – Violation of Rule 6 – Disobedience of an order or directive, whether written or oral.**

It has been determined that on 30 August 2014 at 2230 hours at 5700 S Loomis the accused Police Officer Brian MCHALE #8721 failed to secure his weapon when he placed his duty weapon on top of the patrol vehicle and then drove the vehicle with the weapon on top, subsequently causing the weapon to fall off the vehicle, in violation of Department directive [REDACTED] Section X-A thru C.

SUMMARY REPORT
General Investigations Section

CL [REDACTED]

RECOMMENDATION:


Accused: Police Officer Brian MCHALE #8721

After reviewing the Complimentary and Disciplinary History of the accused police officer, R/S recommends that the accused police officer be suspended from the Police Department for **10 days**.

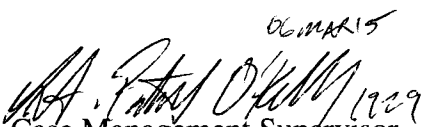
Date Initiated: 23 September 2014

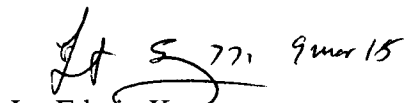
Date Completed: 06 March 2015

Elapsed Time: 164


Sgt. Nakia Fenner #2306
Investigations Section
General Investigations Section

APPROVED:


Case Management Supervisor
Investigations Division
General Investigations Section


Lt. Edwin Kaup
Investigations Division
General Investigations Section

Attachments

CL [REDACTED]

No.	Type	Related Person	No. of Pages	Narrative
1	FACE SHEET	N/A		
2	CONFLICT CERTIFICATION	N/A		
3	SWORN AFFIDAVIT FROM COMPLAINANT	N/A	1	NOT REQUIRED
4	INITIATION REPORT	OTHER INV. PARTY - CATO, ERIC	1	
5	GENERAL OFFENSE CASE REPORT	N/A	2	
6	WITNESS NOTIFICATION FOR BOCHENEK, ALICJA	WITNESS - BOCHENEK, ALICJA		
7	WITNESS NOTIFICATION FOR SCHULTZ, BRIAN	WITNESS - SCHULTZ, BRIAN		
8	ACCUSED NOTIFICATION OF ALLEGATIONS FOR MCHALE, BRIAN	ACCUSED - MCHALE, BRIAN		
9	STATEMENT OF POLICE OFFICER	OTHER INV. PARTY - BOCHENEK, ALICJA	4	
10	STATEMENT OF POLICE OFFICER	OTHER INV. PARTY - SCHULTZ, BRIAN	4	
11	STATEMENT OF POLICE OFFICER	ACCUSED - MCHALE, BRIAN	4	
12	DEPARTMENT DIRECTIVE OR GENERAL ORDER	N/A	14	U04-02
13	DISCIPLINARY HISTORY	ACCUSED - MCHALE, BRIAN	1	NO HISTORY
14	COMPLIMENTARY HISTORY	ACCUSED - MCHALE, BRIAN	1	68 AWARDS

**REQUEST FOR REVIEW OF DISCIPLINE
(REPRIMANDS AND SUSPENSIONS FROM ONE (1) TO TEN
(10) DAYS)**

BUREAU OF INTERNAL AFFAIRS/
INDEPENDENT POLICE REVIEW AUTHORITY

CHICAGO POLICE DEPARTMENT

SUPERVISOR PRESENTING TO ACCUSED:

NAME <i>SGT. ERIC D. CATO</i>	STAR NO. <i>1321</i>
SIGNATURE <i>Sgt. Eric D. Cato</i>	
DATE <i>19 MAY 2015</i>	TIME <i>1500</i>

NAME Police Officer Brian McHale	STAR NO. 8721	COMPLAINT REGISTER NO. 1071280
VIOLATION OF RULE NO(S). 6		PENALTY 10 Day Suspension

**NOTE: AN ACCUSED MEMBER HAS TEN (10) WORKING DAYS TO CHOOSE ONE OF THE FOLLOWING OPTIONS.
IN THE EVENT THE ACCUSED DOES NOT MAKE AN ELECTION WITHIN TEN (10) WORKING DAYS THE PENALTY WILL BE
DEEMED ACCEPTED.**

☐ **ACCEPTANCE OF PENALTY**

I accept the above penalty and waive my right to a review of the penalty.

☒ **ELECT TO FILE A GRIEVANCE SEEKING BINDING SUMMARY OPINION. I WILL SUBMIT THE APPROPRIATE GRIEVANCE
REPORT WITHIN THE TIME PARAMETERS DELINEATED IN MY COLLECTIVE BARGAINING AGREEMENT.**

Sworn represented members **SHALL NOT** be required to serve the suspension until such time as the arbitrator's award is received.

SIGNATURE *Brian McHale* (ACCUSED MEMBER) DATE & TIME *28 MAY 15 1425*

THE SUPERVISOR PRESENTING THIS FORM WILL NOTE THE DATE AND TIME OF PRESENTATION TO THE ACCUSED IN THE UPPER RIGHT HAND CORNER. THE SUPERVISOR WILL SIGN (AND DATE/TIME) THE FORM AND IMMEDIATELY FORWARD THE ORIGINAL TO THE BUREAU OF INTERNAL AFFAIRS / INDEPENDENT POLICE REVIEW AUTHORITY AND GIVE THE COPY TO THE ACCUSED.

THE ACCUSED WILL MAKE AN ELECTION AND SIGN (AND DATE/TIME) THE FORM. IF THE ACCUSED REFUSES TO SIGN THE FORM, THE PRESENTING SUPERVISOR WILL MARK THE FORM "REFUSED", SIGN, AND FORWARD IT TO THE BUREAU OF INTERNAL AFFAIRS/INDEPENDENT POLICE REVIEW AUTHORITY. A REFUSAL TO SIGN WILL BE DEEMED AN ACCEPTANCE OF THE PENALTY IF THE ACCUSED FAILS TO MAKE AN ELECTION WITHIN TEN (10) WORKING DAYS.

SIGNATURE *Sgt. E. Cato 1321* (SUPERVISOR/WITNESS) DATE & TIME *28 MAY 15 1430*

**NOTE: AN ACCUSED MEMBER HAS TEN (10) WORKING DAYS IN WHICH TO MAKE AN ELECTION FROM THE OPTIONS ABOVE
AND RETURN FORM TO THE BUREAU OF INTERNAL AFFAIRS OR THE INDEPENDENT POLICE REVIEW AUTHORITY.**

SPECIFICATIONS

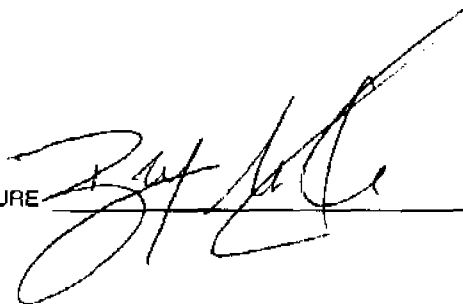
Accused: Police Officer Brian McHale Star: 8721 Unit: 189

Rule 6: Disobedience of an order, whether written or oral.

Basis: In that on 30 August 2014 at 2230 hours at [REDACTED] said member failed to secure his weapon when he placed his duty weapon on top of the patrol vehicle and then drove the vehicle with the weapon on top, subsequently causing the weapon to fall off the vehicle, in violation of Department directive U04-02, Section X-A thru C .

ACCUSED MEMBER WILL ALSO ENDORSE
THIS NOTIFICATION OF SPECIFICATIONS.

SIGNATURE



DATE

28 MAY 15

**OFFICE OF THE SUPERINTENDENT
Management and Labor Affairs Section**

03 June 2015

TO: Juan Rivera
Chief
Bureau of Internal Affairs

Attn: Sergeant Phyllis Muzupappa
Commanding Officer – Records Section

FROM: Donald J. O'Neill
Acting Director
Management and Labor Affairs Section

SUBJECT: REQUEST FOR CR FILES

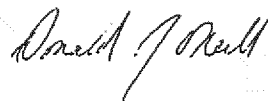
REFERENCE: CR [REDACTED]
Brian McHale 8721 Employee No. [REDACTED]
Grievance No. [REDACTED]
10 Day Suspension

MLAS requests **one (1) complete copy** of the above referenced CR file to prepare for the processing of a grievance filed by the above named member. MLAS further requests delivery of the CR file within ten (10) working days of your receipt of this letter.

The CR file should include the following:

Cover Sheet	Disciplinary History	Non-Concurrences (if any)
Complaint Against Member	Complimentary History	Police Board Decision (if any)
Affidavit (when required)	Command Channel Review	Suspension Order (if any)
Summary Rpt / Rpt Digest	Complaint Review Panel (if any)	
Attachments	Letter to Complainant	

Should you have any questions regarding this matter, please contact Sergeant Richard Brown on Pax 0671 or CityNet [REDACTED]



Donald J. O'Neill
Acting Director
Management and Labor Affairs Section

Date Rec'd form BIA:
Date Sent to Union:
By:

DJO/rnb

**Office of the Superintendent
Management and Labor Affairs Section**

25 July 2016

TO: Eddie T. Johnson
Superintendent of Police

Eddie L. Welch III
Chief
Bureau of Internal Affairs

Attention: Sgt. Daniel O'Connor
Commanding Officer
Department Advocate Section

Sgt. Meagan Remiasz
Commanding Officer
Records Section

Anthony J. Riccio
Chief
Bureau of Organized Crime

Attention: Thomas Waldera
Commander
Narcotics Division

FROM: Wynter C.N. Jackson
Director
Management and Labor Affairs Section

SUBJECT: Binding Summary Opinion
RE: Grievant: P.O. Brian McHale # 8721 Employee # [REDACTED]
Unit 189, Grievance # [REDACTED] CR # [REDACTED]

DECISION: Grievant [REDACTED] 10 day suspension, which gave rise to the listed grievance, shall be reduced to a three (3) day suspension.

Pursuant to the above captioned decision, the following actions must be taken:

The District/Unit Commander: Will ensure the grievance number is considered closed after implementation of the Binding Summary Opinion.

Office of the Superintendent
Management and Labor Affairs Section

25 July 2016

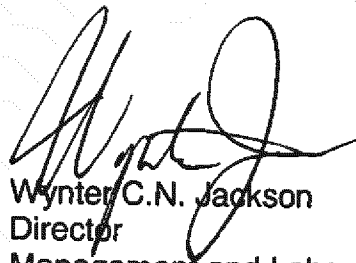
SUBJECT: Binding Summary Opinion

RE: Grievant: P.O. Brian McHale # 8721 Employee # [REDACTED]
Unit 189, Grievance # [REDACTED] CR # [REDACTED]

The BIA Department Advocate Section: Will ensure that the grievant is suspended in accordance with the Binding Summary Opinion and **copies of any relevant documents (i.e. suspension notification), which indicate compliance, are included with this reply.**

The BIA Records Section: Will ensure that the record of the grievant is changed in accordance to this Binding Summary Opinion.

If directed to take any action, please reply to Management and Labor Affairs Section upon compliance with this directive. Please attach any relevant documentation, which indicates compliance with this reply. If there are any questions regarding this directive, please contact Sgt. Curtis Mullenix, Management & Labor Affairs Section on Pax 0671 / 0672 or Bell 745-5806.



Wynter C.N. Jackson
Director
Management and Labor Affairs Section

Approved:

Charise Valente
General Counsel
Office of the Superintendent

Compliance:

Signature: _____ Title: _____
Date: _____ Unit: _____
Documentation: _____

WCNJ/cgm